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Vol. IV

No. 6

The Direct Primary

LAMAR T. BEMAN, A.M., LL.B.

Compiler

THE H.W. WILSON COMPANY

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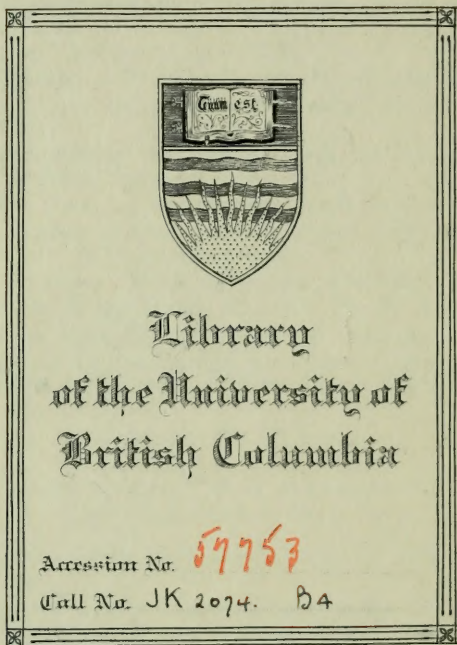
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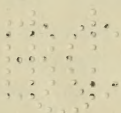
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THE REFERENCE SHELF

Volume IV

Number 6

THE DIRECT PRIMARY



Compiled by
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INTRODUCTION

New interest has been drawn to the direct primary by the facts disclosed by the Senate committee which investigated the expenditure of money in the state-wide primaries in Pennsylvania and Illinois in 1926. The vast sum of money spent in the senatorial contest in each of these states has led some people to denounce the direct primary as a failure, pointing out the opportunities it gives for fraud and corruption and its utter failure to destroy political bosses and machines, as its advocates had so vigorously assured us it would. Others, however, reply that it would be easy to prevent any such vast expenditure of money by the enactment of a corrupt practice law which would limit a candidate's expenditures to a reasonable sum, and they point to the states which have already adopted such a law. They further point to the fact that many other states have held primaries this year, quite a number of them nominating candidates for the United States Senate, and that in no one of them has there been any unreasonable expenditure of money in the primary.

The direct primary has now been in use in a sufficiently great number of states and for a sufficient number of years to demonstrate that in actual practice it works neither as well as its advocates had so confidently predicted nor so disasterously as its opponents had so positively warned us. Years of trial under the varying conditions to be found in the different states and with the differences in the details of the various laws have failed to show the direct primary either a blessing or a catastrophe of the first magnitude. Like so many other reforms it was handicapped at the beginning by the unreasonable claims and the ridiculous praise of its pro-

ponents, for its results under such conditions were certain to be disappointing to the general public.

After twenty-five years the supporters and the opponents of the direct primary are much the same class of people that they were in the beginning. Supporting it are all those who have an abiding faith in the people, the ultra-democrats, the progressives, and the more radical thinkers. Against it are those who doubt the wisdom of direct action by the whole people, the conservative and the more reactionary minds. Against it still are most of the political bosses and professional politicians.

The impartial student must judge the direct primary by its results, by what it has accomplished or failed to accomplish. Unfortunately, as Professor Charles A. Beard points out, (*American Government and Politics*, fourth edition, page 551) "No searching examination has yet been made into the operations of the direct primary throughout the Union." There is, however, an extensive literature of the subject, the best of which is listed in the bibliography in this volume.

October 1, 1926

LAMAR T. BEMAN.

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BRIEFS

RESOLVED: *That the direct primary is preferable to the caucus and convention system.*

INTRODUCTION

- I. The history of the direct primary.
 - A. The progressive movement originated as a protest against government that did not represent the will of the people.
 - B. The popular demand for direct nominations spread over the country until the system had been adopted in most of the states.
- II. The meaning of the question.
 - A. The definition and explanation of the terms used.

AFFIRMATIVE

- I. The caucus and convention system involves many serious evils.
 - A. The caucus does not reflect the will of the people.
 - 1. The people do not and will not attend the caucus in sufficient numbers to make it representative.
 - a. Not over 10 per cent of the people attend a caucus.
 - b. No time or place for holding a caucus will be convenient for many people.
 - c. There is no incentive for the people to attend a caucus, for the work is planned out in advance by the machine so that the independent voter

has no voice at all, and very few people will ever be interested in assembling merely to pick delegates who are only intermediaries.

2. The delegates selected by the caucus do not feel any responsibility to the voters.
 - a. They are usually elected on one issue and feel free to use their own judgment on all other matters.
 - b. They do not know the will of the people on all the candidates whose names will come before the convention.
 - c. They do not expect to seek a reelection on their record, for they know that their own political future depends upon the party leaders.
- B. Party conventions do not express the will of the people.
 1. They are not deliberative bodies.
 - a. Their sessions are confused and noisy.
 - b. Conventions can be easily stampeded.
 2. The action of party conventions is controlled by political bosses and machines.
 - a. The chairman is always named by the boss or machine and is controlled by the people who select him.
 - b. The credentials committee, picked by the boss or machine, can seat or unseat delegates and pack the convention by steam roller methods.
 - c. A complete slate of candidates is always made out in advance by bosses in secret session.
 3. The delegates to party conventions are unduly influenced.

- a. The bosses and their henchmen exert pressure on them.
 - b. Votes are often traded in the convention.
 - c. The votes of the delegates are often purchased by money, favors, or jobs.
 - d. After the first ballot the delegates do not heed the wishes of the voters but hasten to support the probable winner in order that they may be in line for party favors or rewards.
4. The will and the influence of the women voters is practically excluded from all party conventions.
 - a. While there are usually a few women sent as delegates, this is done only for the looks of things and they exert no influence upon the convention and their wishes are disregarded.
- C. The caucus and convention system is an expensive method.
1. Railroad fares, hotel accommodations, the rent of the convention hall, clerical help, printing and advertising must all be paid for.
 2. These expenses are borne by the candidates, office holders, and by people seeking legislation or other government action favorable to their own interests, who are all paid back in the end so that the burden ultimately falls on the people.
 3. Rich men seeking a nomination have too great an advantage under the caucus and convention system.
 - a. They can employ representatives at the different county conventions, open headquarters, distribute literature,

entertain delegates, and buy up delegates when necessary, and then go to the state convention and do the same thing over again.

- D. The caucus and convention system produced and developed the control of politics by bosses and machines.
 - 1. It places the power of making nominations and the entire control of the party in the hands of the bosses.
 - a. The better class of people become completely disgusted with politics when they see that their efforts for better government are entirely useless and they refrain from participating in public affairs or even attending the caucus, or from voting on election day.
 - b. This has now gone so far that a majority of the American people do not vote.
 - c. The result is that the political rings and the professional politicians have almost a clear field to themselves.
 - d. The ward workers and the precinct captains are the less desirable, less qualified, less intelligent, and more self-seeking and subservient people, a condition that has made the name of politician a reproach and threatens the existence of free government.
 - 2. The best men are not nominated under the caucus and convention system.
 - a. The men nominated are those whom the bosses and political machines select.

II. The direct popular primary is the remedy for these evils.

A. It returns the power of nomination to the people.

1. The people can pick their candidates for state, county, and municipal officers at the primaries and then select the ones they want at the election, instead of being forced to choose at the election between two slates of undesirable candidates put forward by the party bosses.

a. The candidate will make his appeal directly to the voter.

2. This will increase the interest of the people in the primary and increased interest will mean increased attendance.

a. Each voter sees that he has an actual voice in the nomination of the candidates.

B. Better candidates will be nominated.

1. The bosses and machines cannot control the choice of all the people.

2. Better men will enter as candidates for nomination.

a. Men and women of ability and integrity see that they have a fair chance to win a nomination.

C. The wrongful power of the political bosses and machines will be very largely eliminated.

1. It will be impossible for any boss to dictate all the nominations.

a. A large part of the voters attend direct primaries and the majority will never submit to boss rule.

b. A primary cannot be bought or stampeded.

2. Dark horses or straw candidates cannot be put forward to blind the people or split the vote.
 3. A machine combination or the plans of a boss cannot be kept secret and sprung at the last moment before a nomination is to be made.
 4. Officials will be responsible to the people, and there will be less use of public office to serve a boss or a machine that has nominated the official.
- D. Party organizations and the party system will be improved.
1. They will become, as they should be, a free instrument for the expression of public opinion.
- E. The character of the electorate will be built up.
1. Every man must feel that his vote counts, that he is responsible for the welfare of his government and his party.
 2. Intelligence in regard to public affairs will be promoted.
- III. The direct primary is practicable.
- A. It has been adopted in a majority of the states, and has everywhere been successful.
1. It has been adopted and is now being used by forty-five states.
 - a. Only three states have not adopted it.
 - b. No state that has adopted it has ever entirely abandoned it.
 2. It has greatly increased public interest.
 - a. The vote cast in the direct primaries has been many times as large as that formerly cast in the caucus.
 - b. In 1926 the vote cast in the direct primaries in more than a dozen states

was actually larger than that cast in the presidential election of 1924. (*New York Times*. October 24, 1926.)

3. It has purified and elevated politics.
 - a. It has restored government to the people.
 - b. While there are still bosses and political machines, there are no bosses as powerful as Mark Hanna, Tom Platt, Matt. Quay, George B. Cox, or Richard Crocker.
 - c. The old time political machine has been crushed.
 - d. There is now no legislature in all America that is corrupt enough and brazen enough to pass a fifty year franchise bill like that bought from the Ohio legislature thirty years ago.
 - e. It is not the direct primary but newspaper vilification and misrepresentation that keeps the best men entirely out of politics.
4. Where honestly and fully adopted the direct primary reduces the opportunity for fraud and corruption to an absolute minimum.
 - a. Many dishonest legislatures have yielded to the public demand for the direct primary very reluctantly, and have adopted it only partially.
 - b. The direct primary is not fully and honestly adopted unless provision is also made for the short ballot and for a limitation of campaign expenditures.
 - c. The amount of money spent in the 1926 primaries was remarkably small

in all the states except Pennsylvania and Illinois where adequate laws limiting expenditures had not been adopted. (*New York Times*. September 13, 1926.)

5. Wherever abuses have occurred under the direct primary they have been quickly exposed and punished, a thing impossible under the caucus and convention system.
 - a. Even United States senators have been unseated for violating the law or spirit of the direct primary.
6. Only those who looked upon the direct primary as a panacea for all political ills have been disappointed.
- B. The direct primary has been endorsed and approved by most of the best minds in this country.
 1. President Roosevelt, President Wilson, William J. Bryan, Charles E. Hughes, Newton D. Baker, Robert M. La Follette, Alfred E. Smith, and Lyman Abbott are a few of the thousands who have approved this method of making nominations.
- C. In all its history the direct primary has been vigorously opposed by only the political bosses and their subservient henchmen and a few of the ultra reactionaries.

NEGATIVE

- I. The caucus and convention system is the best plan of making nominations for public offices.
 - A. It is an American plan.
 1. It grew up and developed in this country.
 2. It was a natural growth, not an institution created by law.

3. It is the logical counterpart of the party system.
- B. It is a direct application of the principle of delegated authority.
 1. This is a representative government, our political functions being chiefly delegated.
 2. Large political units make the representative system necessary.
- C. It is the most efficient system.
 1. It creates a representative body responsible for good nominations.
 - a. The delegates are responsible to the local voters.
 - b. The convention is responsible to the party organization.
 2. Deliberation in the convention promotes the general good.
 - a. Time is taken to inquire into a candidate's fitness.
 - b. The popularity of the candidate can be tested.
 - c. A second choice is possible.
 - d. Good candidates can be drafted.
 3. It is a school of practical politics.
 - a. It instructs young men in public affairs.
 - b. It holds the interest of older men.
- D. The convention perfects party organization.
 1. It results in a cohesive, harmonious, unified, and well-balanced ticket.
 - a. The minority elements can have their share of offices.
 - b. Geographical distribution of offices can be considered.
 2. It makes it possible for the party to conciliate the different factions.

3. It arouses party life, spirit, and enthusiasm.
 - a. It inspires party spirit in the delegates.
 - b. The delegates will carry their enthusiasm home with them.
- E. The nominating and platform-making powers belong together.
 1. All candidates should be tested by the issues.
 2. The party will be definitely committed to issues.
 - a. The evil of the bloc system will be remedied.
- II. Whatever evils exist in the caucus and convention system can be remedied without destroying the system.
 - A. Most of the alleged evils are not due to the system and will not be remedied by destroying it.
 1. Most of the evils complained of have been due to the apathy of the voters, to the fact that so many people shirk their civic and political duties.
 - a. A large part of the people fail to vote, even in the presidential elections, but particularly in the primaries and caucuses.
 - b. They fail to inform themselves concerning the public problems and issues of the day.
 - c. They leave initiative to the bosses and political machines.
 2. Merely changing from the caucus and convention system to the direct primary sys-

tem will not make these people perform their civic duties.

- a. The experience with the direct primary has proved this to the entire satisfaction of everybody.
 - b. The supporters of the direct primary have been dismayed at the small vote that has been cast.
- B. The caucus and convention system can be made satisfactory.
1. Well chosen delegates will insure satisfactory conventions.
 - a. They will follow the instructions of the voters.
 - b. They cannot be corrupted.
 - c. They will make the general good their first consideration.
 - d. They will select only honest and competent men for nominees.
 2. The voters can demand reliable party leaders and administrators.
 - a. Good political leadership is an aid to party success.
 - b. Corrupt bosses are unnecessary.
 - c. Whenever the majority of a party want clean politics it can have it.
- III. The direct primary is not a satisfactory substitute for the well tried caucus and convention system.
- A. It has been unsatisfactory in practice.
1. It has not lived up to the expectations of its sponsors.
 - a. It has not developed any increased interest in the primaries.
 - b. It has not eliminated boss rule or machine control.

- c. It has not led to the nomination of better or abler candidates for office.
 - 2. It has not produced general satisfaction in the states where it has been adopted.
 - a. Some states have abandoned it entirely, New York for example.
 - b. Other states have repeatedly and fundamentally amended it.
 - c. Many and vigorous complaints are made against it in most of the other states.
- B. It presents nominees who receive only a minority, sometimes a very small minority, of the vote cast which is often only a small part of the total vote.
 - 1. There are usually so many candidates for nomination that the vote cast at the primary is split into small parts.
 - a. There is no way of limiting the number of candidates who may enter the primary.
 - b. No way has been found of uniting the vote on the more desirable candidates.
 - 2. Dummy candidates are put forward to split the vote of the better class of people.
 - a. By this means corrupt candidates or those who are controlled by the boss or the machine are often nominated.
- C. It creates party bitterness and dissention.
 - 1. Hostile factions are created within a party before the primary.
 - a. There is no way of harmonizing them before election.
 - b. The defeated faction is free to bold the party.

2. A numerically strong group has a permanent advantage.
 - a. It can shut out smaller groups.
 - b. Boss rule and machine control are thus strengthened and perpetuated.
- D. It destroys party responsibility.
 1. It decentralizes the party and undermines its usefulness.
 - a. Small units can control action.
 - b. Party leadership has been abandoned.
 - c. The bloc system has been introduced.
 - e. The masses of the voters are not organized.
 2. Party efficiency has been greatly impaired.
 - a. No one is responsible for getting good candidates to run for office.
 - b. No one is responsible for getting the voters to the polls.
- E. It does not bring the voters together to make a platform.
 1. Principles are at least as important as men.
 - a. Conventions are necessary for the discussion of principles and policies.
 2. No individual candidate can frame a satisfactory platform.
 - a. He is interested only in the vote-getting issues.
- F. It provides too many opportunities for fraud and corruption.
 1. Each candidate can build his own machine.
 - a. All campaign workers, when working for an individual at the primary, accept compensation either in money or political favors.
 - b. This increases the opportunities for the use of money and gives the rich man a tremendous advantage.

2. The political bosses can interfere without publicity.
 - a. The greater number of campaigns gives more opportunity.
 - b. The boss can give secret orders to his henchmen and usually secure the nominee he wants, with none of the publicity that would attach to such actions in a party convention.
 3. The interests can put up several candidates and fool the voters.
- G. It is unfair to the country districts.
1. Rural candidates are at a disadvantage.
 - a. They do not have as large an acquaintance among the voters.
 - b. Campaigns for nomination are more expensive for the candidate.
 2. City candidates secure most of the county offices.
 - a. They can reach a greater number of the voters near their home.
 - b. The rural voters are influenced by the city newspapers.
 - c. Rural voters lack leadership.
- H. It is too costly to the candidates and the taxpayers.
1. The candidates must make two campaigns.
 - a. State offices involve extensive campaigns.
 - b. In the large states there is an unlimited opportunity to use money.
 - c. Primary campaign expenses have sometimes run into the millions.
 2. The taxpayers must pay the cost of two elections.
 - a. The cost to the taxpayers is just as great when there is no contest.

- b. The cost of conducting a primary is often more than a dollar for each vote cast.
- i. It gives one party an opportunity to nullify the intent and purpose of the other.
 - 1. The members of the smaller party can attend the primaries of the other party.
 - 2. By this means it can force weak candidates on the stronger party and win for itself at the election offices it could not otherwise gain.
- J. It does not secure the best men for officials.
 - 1. Men seek the office, not the office the man.
 - a. It gives opportunity to egotistical, presumptuous, self-seeking, brazen men.
 - b. It gives opportunity to men with hobbies, one-idea men.
 - c. It makes it possible for one to enter as a candidate who knows he cannot be nominated but runs simply for the publicity, notoriety, and advertising he gets.
 - 2. The office holders have a very great and unfair advantage.
 - a. The "ins" have knowledge and power by virtue of being in office, which puts the "outs" at a great and unfair disadvantage.
 - b. The "ins" have an organization, because they can compel their subordinates to work for them.
 - 3. The voters cannot know the qualifications, especially the integrity, of all the candidates.

- a. In a state-wide primary where fifty or more candidates are seeking nomination to six or eight offices, no one person has sufficient knowledge of all the candidates to vote intelligently, and the average voter knows nothing of all of them.
 - b. The people will vote for the names most familiar to them, which puts a premium on newspaper publicity or notoriety.
 - c. The rotation of names on the ballot to prevent the first named candidate from having an unfair advantage shows how unintelligently most people mark their ballots.
4. The direct primary has not brought abler or better men into office.
- a. The greatest statesmen in our history have been nominated by party conventions.
- K. It increases the power of the newspapers.
- 1. Newspaper support is necessary for the successful candidate.
- L. It is opposed by many of our ablest scholars and statesmen. (See "Opinions of Public Men on the Value of the Direct Primary" by William E. Hannan. *Annals of the American Academy*. 106: 55-62. March, 1923.)

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GENERAL DISCUSSION

NOMINATING SYSTEMS¹

Our nominating systems have passed through many stages of development as various social, economic and political situations were encountered. The legislative and congressional caucus were evolved; developed into the hybrid caucus; and later grew into the convention, under the pressure of Jacksonian Democracy. The originally shapeless convention gradually took form and order, but after the Civil War the new urban and industrial conditions forced a system of legal regulation of the delegate system. Later in many local communities the non-partisan primary, nomination by petition only, or proportional representation, supplanted the older methods. The direct primary also sprang up shortly after the Civil War, later as a part of the insurgent or progressive movement, and materially altered the nominating system in almost all parts of the country. Now comes the challenge of direct nomination with a demand for the abandonment of the system on the one hand, and for modifications and further developments on the other.

The writer has been asked to review the present nominating system and cheerfully does so, expressing the hope, however, that his statements will be taken not as propaganda for a special system but as an effort toward a constructive solution of a very vexed problem. We are groping our way toward the adjustment of popular control, political and governmental leadership, and technical knowledge and ability; and we find the methods of party organization and control a highly important part of the process.

¹ By Charles E. Merriam. *Annals of the American Academy*. 106: 1-10. March, 1923.

OLD CONVENTION SYSTEM

The direct primary was established in the United States as a protest against the unrepresentative character of the old-time convention.² The abuses of the delegate system had produced widespread dissatisfaction and a general feeling that the nominating conventions did not reasonably reflect the will of the party. It was believed that the conventions were in many cases controlled by political bosses, and further that these bosses were either controlled by or closely allied with greedy and selfish industrial interests. It was believed that the convention system was admirably adapted to management by the "invisible government" of the industrial-political magnates. Numerous instances in which the public will was defied, cases of bribery and corruption of delegates, prolonged deadlocks, bitter factional struggles, bargaining and trading of offices for the support of delegates;—all contributed to the general conclusion that the convention was too remote from the party, and that its results did not fairly represent the judgment of the rank and file of the party.

Among the specific evils arising under the old convention system were:

1. The limitation of the voter's choice to a set of delegates committed to one candidate, but uninstructed for others. In such cases the candidate "traded" his delegation for votes of delegations controlled by other candidates.
2. The frequent appearance of the dummy local candidate who held the local delegation solely for trading purposes.
3. Delegations were seated at times by a process either of outright fraud or of indefensible trickery. From time to time large blocks of delegates were ousted from the positions to which they had been clearly elected.

At the Illinois Republican Convention held in April, 1922, the seats of practically one-half of the delegates were contested, and the decision rested in the hands of the State Central Committee. The same situation has happened repeatedly in the counties and states operating under the delegate system,

² The history of this movement is traced in my *Primary Elections*, 1909. See also my *American Party System*, Ch. 9, 1922; "Recent Tendencies in Primary Elections." *National Municipal Review*. February, 1921.

and in the national convention this situation is notorious. It led to the control of the Republican National Convention in 1912 by the Taft forces in the face of the clearly expressed will of the people indicating their desire for the nomination of Theodore Roosevelt.

4. Frequent objection was made to the qualifications of the delegates appearing in the conventions, many of whom were deemed to be unfitted for the responsible tasks devolving upon them.

5. The frequent purchase and sale of delegates to conventions; disorder and tumult in conventions; the deliberate betrayal of trust by elected delegates were not infrequent occurrences.

By 1910 the direct primary was supported by party leaders including Roosevelt, Wilson, Hughes, LaFollette and Johnson, and had been widely adopted throughout the United States. It so happened, however, that just as the direct primary law was placed upon the statute books, the Progressive Party was formed, and many of the very persons who had championed the law were unable to make use of it. By 1916, many of the Progressives had returned to the old political parties, but in 1917 the war broke out and party divisions were minimized. A general wave of reaction sweeping over the country in recent years has tended to make the successful use of the system more difficult than in normal times.

OBJECTIONS TO DIRECT NOMINATING SYSTEM

It is important now to examine the chief lines of objection that have been offered to the direct nominating system. It is often charged that the expense of the direct primary is excessive and so great as to exclude worthy candidates and favor undesirable types. It may be observed first, that some confusion has been caused by attributing the expense of public regulation of primaries to the direct system. If the primary is to be effectively supervised by the state, whether it is held for the purpose of making direct nominations or of selecting delegates to conventions, the public expense will be about the same in either case. The rental of polling places,

payment of election officials, the printing of ballots, the canvass of voters, are as expensive in one system as in the other. If all direct primary laws were repealed, and the regulated delegate system retained, the public expense would not be materially reduced.

Furthermore, as Governor Hughes has pointed out, and as practical experience shows, if there is a real contest for nomination, the expense to the candidates who are campaigning will be about as great under the delegate system as under the direct primary system.³ For example, the notable contest in Illinois in 1904 for the Republican nomination, in which Deneen, Lowden, Yates, Sherman and others participated, and which took on the proportions of a desperate, state-wide struggle for delegates, was as expensive as any direct primary. If there is no contest, there will be no expense, whether the primary is direct or indirect. If there is a contest, the expenditures will not vary greatly under the different systems.

There is much insincerity in the popular discussion of campaign funds, but there is little evidence to indicate, and none adequate to demonstrate that the use of wealth in direct primaries is more effective than in the election of delegates and the control of conventions. The real question is not whether the nominal campaign expenditures are larger in one system than the other, but whether plutocratic tendencies control more easily under one system than another. On the whole, the elaborate mechanism of delegates and conventions is more easily managed by special interests than is the primary. It cannot be forgotten that the conventions have often been controlled by small groups of men, representing wealth and privilege, who have bought and sold delegates like so many cattle, either by direct cash payments or by indirect but material inducements. It is true that voters may be bought and sold in direct primaries, and

³ *National Municipal Review*. 10: 23. 1920.

sometimes are, but they may also be bought and sold in electing delegates; and in addition to that the delegates may be bought and sold.

In viewing campaign expenditures, it is important to consider the democratic financing of campaign funds, public aid to the conduct of campaigning, and to acquire a thorough understanding of the essential and non-essential expenses in campaigning. Our communities might save some money by abolishing the direct primary system, but they might lose more. We might also save in the short run by abolishing all types of elections, but we do not expect to economize in that fashion. A ten-year holiday in the holding of direct primaries would be a dubious saving. There is no room in any community for wasteful expenditure of funds, but outlays for democratic operation of the government are on the whole a sound investment rather than a burdensome obligation.

VOTING DIFFERENCES

The direct primary is sometimes condemned because a heavier vote is not cast in certain primaries. In many instances the primary vote is unquestionably small, although on the whole far exceeding that under the delegate plan. But to condemn the direct primary vote because all of the party voters do not participate in it, is like condemning universal suffrage because all who are eligible do not vote. In 1920 some 54 per cent of the adult citizens of the United States did not exercise the suffrage in a contest over the most important elective office in the world—the choice of the President of the United States. Hence 50 per cent of the party vote might be considered a fair proportion of the party electorate. And such a vote, or a larger percentage, is usually polled in an important election. In fact, if we consider that many who vote the party ticket do not reckon themselves as partisans, and will not openly affiliate with any party, the percentage of those voting to the available party vote is

materially greater. The frequent failure of the voter to exercise his hard-won franchise is one of the surprises and disappointments of modern democracy upon which all observers have gravely commented, but in view of the newness of the vote and the recent rise of universal and compulsory education, it need occasion no surprise. The tendency is for the vote to increase steadily as men and women become accustomed to the common burdens of their common life, assumed with the adoption of self-governing forms of political organization.

Furthermore, the significance of the vote under the direct primary varies in different sections of the country or of the state. About half of the states are one-party states where the primary is of the very greatest importance, for here the election is practically decided. This list includes Alabama, Arkansas, Florida, Georgia, Illinois, Iowa, Louisiana, Maine, Michigan, Minnesota, Mississippi, New Hampshire, Oklahoma, North Carolina, Pennsylvania, Rhode Island, South Carolina, Texas, Vermont, Virginia and Wisconsin, and comprises more than half of the population of the United States. Many other states are preponderatingly Republican or Democratic. Of the 3,000 counties in the United States, it is safe to say that roughly half of them are one-party counties. Legislators, governors and United States senators in many parts of the country are practically chosen in party primaries. In these instances, and they are many, the primary of the majority party is of the utmost consequence, for whatever its outcome, it is not likely to be overthrown in the subsequent election. In such cases the majority primary often calls out a very large vote while that of the minor party is of less consequence and perhaps slimly attended.

Of 67 counties in Pennsylvania, there are three that have been uniformly Republican during the last eleven elections—namely, Delaware, Lancaster and Philadelphia. In addition to these, there are eleven others that have

been Republican in every year except 1912. In addition to these, there are sixteen others that have been Republican ten out of eleven times. Of Democratic counties, there is one that has been unbrokenly partisan since 1859—namely, Columbia County. There are four others that have been Democratic ten times in eleven elections. The population of Pennsylvania in 1920 was 8,720,017. The population represented in the 35 counties which are almost invariably either Republican or Democratic was, in 1920, approximately 6,500,000. In other words, approximately two-thirds of the primary nominations in Pennsylvania were equivalent to an election. The style of nominating system in these counties and in this population is therefore a matter of fundamental interest, since the primary choices constitute the most significant agency the electorate possesses in the way of popular control.

In Indiana about half the counties are almost fixed in their party affiliations. In Illinois more than half are solely Republican or Democratic. In New York the bulk of the up-state counties are one-party counties. Further detailed analyses of counties show similar results.

The direct primary is of special importance to women voters for a very definite reason. In conventions, the number of women delegates is very small, perhaps five or ten per cent of the total number. In the primaries, however, the percentage of woman's vote is much higher—perhaps 40 per cent of the total vote. It will be some time before women are as fully represented in legislatures or conventions as are men. For the present, their influence may be much more effectively exerted under the direct primary system than under the delegate system. Curiously enough, it is proposed that just as women are given the right to vote, the system under which they might most effectively act shall be changed to one under which their influence will be less powerful. It is not surprising that alert leaders of women are found aligned against the repeal of the direct primary laws in the states.

THE DIRECT PRIMARY AND PARTY LEADERSHIP

It is contended that the practical operation of the direct primary has been disappointing. Here we may schedule, however, two classes of disappointments. It may be said that the direct primary is disappointing in that the boss and the machine have not been overthrown; or it may be said that the direct primary is disappointing in that it makes responsible party leadership difficult or impossible. But of course these two disappointments cannot be simultaneous. If the boss and the machine continue to control as before, then it cannot be contended that there is any less leadership than there was before. If the same persons control the direct primary who controlled the convention, then these same persons must be in the same position of leadership in both cases. And it is interesting to observe that, generally speaking, although by no means in all cases, those who are most vigorously opposing the direct primary on the ground that it makes impossible concentrated leadership, are also found in the opposition to measures designed to alter the structure of state or county government in such manner as to insure really responsible and effective leadership.

The significance and value of party leadership must not be ignored, but the lack of it can by no means be attributed to the direct primary system. After one hundred years of operation under the convention system, we may ask how well organized was the party leadership in the average state? How definitely and consistently established was it in actual practice? Was party leadership in the state found in the governor or in the half dozen elective officers associated with him? Or was it found in the House of Representatives? Or was it found in the state central committee? Or was it found in the numerous county leaders scattered throughout the state, whose number often runs into the hundreds? Or was it found in the congressmen of the state; or,

much more probably was party leadership found in the United States senator? Or was it perhaps to be discovered in some political boss who was neither governor nor senator?

It is entirely evident that the political party in the states and that the state government itself is now and has been for many years badly organized on the side of responsible public leadership, and is in woeful need of rehabilitation in order to keep pace with the progressive movement of organization elsewhere. As an effective organization for the expression of political opinion, the party is hard-pressed by many other agencies, whose efforts are potent in the making and enforcing of law, and are sharply challenging party prestige. But this situation was not caused by the direct primary, nor is it easy to see how the direct primary interferes with any legitimate function of party leadership.

When it is said that the direct primary stands in the way of more adequate leadership, it is pertinent to ask just what is meant by such leadership, and what stands in the way of developing party leadership at the present time either by party rule or custom? Evidently the direct primary did not prevent the leadership of Cummins in Iowa, or Lowden in Illinois, or Johnston in California, or Wilson in New Jersey, or La Follette in Wisconsin, or McKelvie in Nebraska, or Cox in Ohio, within the limits set by the form of the state government. My observation is that the prevalence of spoils politics, the lack of state issues, the form of the state government stand in the way of leadership, rather than the way in which the nominations are made.

ADVANTAGES

The direct primary cannot guarantee the uniform choice of competent men any more than the elective system itself can ensure such selections. It opens an easier avenue of approach, but cannot carry us through

to the goal. The primary will not automatically overthrow the boss or the machine, but it provides a way of approving, or rejecting selections or of introducing new ones. The rank and file of the voters unquestionably act more readily and effectively through the direct nominating system, and the effectiveness of popular control is thereby increased.

The selection of Pinchot in Pennsylvania, of Brookhart in Iowa, of Howell in Nebraska, of Beveridge in Indiana, are conspicuous illustrations of the effectiveness of the direct nominating system in enabling the sentiment of the voters to find expression in opposition to the party machine. In none of these cases is it probable that the successful candidate would have been victorious under the delegate system. The margin that spelled success came from groups of voters who would not have elected delegates, but who gave votes enough to Beveridge or Pinchot to turn the scale.⁴ If the party organization fairly represents party sentiment, it will win whether the nominations are made directly or indirectly; but in case of serious conflict, the direct vote seems to give a better opportunity for popular success than the delegate method.

Mr. Secretary Hughes says of the direct primary system, summarizing its advantages:

(1) It places a weapon in the hands of the party which they can use with effect in case of need. They are no longer helpless. This fact puts party leaders on their best behavior. It is a safeguard to the astute and unselfish leader who is endeavoring to maintain good standards in line with sound public sentiment. It favors a disposition not to create situations which are likely to challenge and test.

(2) The fact of this control gives to the voters a consciousness of power and responsibility. If things do not go right, they know that the trouble lies with them. The importance of this should not be overlooked in any discussion of the apathy of the electorate.

⁴ "The Direct Primary in Two States" (Indiana and Iowa). *National Municipal Review*. September, 1922; "Gifford Pinchot and the Direct Primary." *Ibid.* October, 1922.

The return to the convention system would not help the political party. On the contrary, it would probably injure the party by causing still further loss of public confidence in its organization and methods. The parties have already suffered heavily in public confidence and can ill afford additional losses. Wise and far-seeing leaders would move forward rather than backward. They would endeavor to attract public interest and support by improvements in methods of transacting party affairs. Men and women are beginning to discover that they can influence governmental action without the agency of parties. The associations of commerce, the labor unions, the farmers' organizations, vocational and professional groups of all kinds, are tending to pass the party by. Party managers might well attempt to secure the sympathy and interest of these voters instead of closing the door of party activity to them, and making their effective participation in party counsels still more difficult.

SUGGESTIONS FOR POLITICAL ADVANCES

The direct primary is a step in the evolution of the electoral system, just as the convention was an evolution from the legislative or congressional caucus. But there is still room for political advances. These, it seems to me, may follow three lines:

1. Non-partisan ballot for local officials and judges.
2. The short ballot.
3. The development of party leadership through the party conference.

1. NON-PARTISAN BALLOT

The direct primary has not been demanded by municipal representatives, but the system of nomination by petition, or some form of double election system, or some type of preferential voting. Local elections do not follow national party lines closely, and the non-party ballot

is more effective. The change of this system is being rapidly made in our cities, although much less developed in counties and other local agencies of government. National party influences and even party domination are not automatically excluded by these laws, but broadly speaking their significance is minimized and local issues and divisions are given wider scope for consideration. No one supposes, however, that the mere change in form of ballot or of nominating mechanism will eliminate national party influence from the domain of local politics.

2. THE SHORT BALLOT

In a discussion of nominating methods in 1909, I expressed the belief that neither the direct primary nor the convention system would work well in situations where a large number of minor administrative offices were elective. I still believe that we will not make progress in the better nomination of coroners and surveyors and county clerks and state auditors under any system that the combined ingenuity of the elder and junior statesmen together may devise. The main road is the short ballot with what it involves in the way of governmental direction.

In state and county governments with which we are now concerned, there is manifest a slow but strong tendency toward fundamental reorganization, somewhat resembling that which has been seen in the more progressive city governments during the last generation. Vigorous and effective state and local governments are needed to offset the centralizing tendencies of the Federal government and are desired even by the most ardent nationalists. A more modern organization of these governments would do much to clear up the difficulties surrounding the nominating system, and might change the whole character of the problem, as has happened in cities where non-partisan elections and proportional representation are now the chief centers of electoral interest.

If counties were to adopt a commission or council-manager plan, how would nominations be made? Or if, as some day may happen, a state adopts a simple form of government, such as the council-manager, or one in which executive responsibility is more strongly organized, how then will nominations be made?

The short ballot will tend to concentrate power and responsibility, and to focus attention upon the significant offices to be filled. If only the governor and members of the legislature, together with one or two county officials were chosen at one time, it would be far easier for the voters to concentrate their attention upon these key officials and to exercise their powers of discrimination more effectively than at present. With the short ballot, the task of the primary will be made much lighter, while the degree of popular control will tend to be greater.

Precisely here it must be recognized that with the development of greater power in fewer officials, it will be all the more necessary to exercise effective popular control over them. The larger authority conferred upon officials through the process of consolidation and through the gradually increasing authority exercised by the government over social and industrial affairs, will be likely to require a balance in more direct control. The counterpart to the short ballot may be the direct primary.

But the short ballot is no more a panacea than is the direct primary, and we delude ourselves if we assume that the mechanical device of shortening the list of candidates will of itself cure all the ills the body-politic is heir to. Government is no more a matter of mechanisms than it is of values and attitudes, of intelligent discrimination, of sound sense and practical judgment on the part of the community. The fundamental attitudes of the people go deeper down than either the direct or the indirect primary, important as these are. We shall be drawn aside from the main purpose and needs of our time unless we recognize the vital impor-

tance of technical administration, applying the best results of intelligence and science to common affairs, unless we recognize the fundamental need of the broadest possible social and civic training, unless we recognize the significance of the spirit of justice which the state must strive to realize in the lives of men and women.

It is important to consider other possibilities that may arise in the course of governmental development. It may be that in the reorganization of county and state government proportional or preferential representation will play a larger rôle than in the past. If this proves to be the case, the methods of nomination would be materially affected, as is now seen in cities using proportional representation. Here again, of course, the question may arise as to how the primary or original selection of candidates will be made.

3. PARTY CONFERENCE

It is not only possible but desirable to improve the organization of party leadership. There is nothing to prevent the holding of informal party conferences or conventions now, and in fact much might be accomplished by them in the way of developing party leadership. On another occasion I suggested the possibility of the formation of a national conference, meeting annually.⁵ The same sort of a conference might be held on a state-wide scale, if desired. Such a conference might include the state governor, or last candidate of the minority party and their primary or convention opponents; state officials elected at large, or minority candidates; members of the state central committee or executive committee if this is deemed too large; party members of the state legislature and minority candidates; representative party members appointed by the governor, the state central committee and various party leagues, clubs, societies—

⁵ See my *American Party System*. p. 298.

say a total of 100. This would make a total of perhaps 200 to 300 members.

Such a body might meet for the purpose of considering and recommending candidates for office, subject to approval in a subsequent primary. In fact a conference might do much more than that. It might consider questions of party policy, listen to party speakers, hear reports of party committees on matters of party importance, consider problems of party management. Its members, representing different sections and elements of the state, might consult and confer on a wide variety of party problems. Almost every other social grouping in a state, whether political, religious, commercial, agricultural, industrial, educational, holds such sessions with great pleasure and profit to its members. What association is there in the state that does not hold such periodical conferences of its leaders?

And why are they not held within the party? And why does even the suggestion of such a party conference seem a little, shall we say, impractical? Certainly there is nothing in the law to prevent them. In some cases they are held, but often privately and not in the open air of publicity, as Senator Platt's Sunday School, or Mr. Lundin's Heart-to-Heart talks.

One difficulty is that parties do not often stand for definite issues in state elections; indeed they seldom do. Again, considerations of patronage are often regarded by party managers as more important than those of policy, and conferences might tend to emphasize the latter. The party organization does not always care to encourage real leadership in contrast to job-brokerage and log-rolling. A local boss having discontinued a very flourishing ward club where issues were wont to be discussed, said, when asked why: "Because I have too d——d many statesmen on my hands now." Nor can the mass of the party voters escape responsibility for their frequent lack of continuing and persistent interest in party affairs, and lack of effective cohesion in crises.

Responsible leadership in the party is of the very greatest importance, but it is necessary to study with care the nature and function of the party, in order to see just what leadership develops or is required in state situations. Broadly speaking, the party leadership is national rather than state, and even in the national field the party does not do as much leading as is sometimes supposed. But it is impossible to enter into this larger field on this occasion.⁶

CONCLUSION

In conclusion, it appears to me that the Old Guard is now, as it was originally, against the direct nominating system, and would gladly return to the old delegate plan, which they controlled more readily. The mass of voters, however, while often disappointed in the results achieved under the new system and sometimes bored by the multiplicity of elections and candidates, are not ready to abandon the direct primary as an instrument of control, and are not likely to do so if given the opportunity to express themselves directly in a referendum vote. The memory of the old conventions fades with time, but a little reflection recalls vividly the lurid pictures of misrepresentation and unblushing boss-control under it and gives us pause when we consider the return to the *ancien régime*. Many voters will conclude that instead of going back to the earlier delegate system, they will endeavor to make more effective use of the primary system, and go forward to further improvements.

There is likely to be much experimenting with various forms of pre-primary designation by party committees or conventions, and perhaps some form of party conference may be developed in the course of the process of trial and error. It is not unlikely that the party organization and process will be subjected to as severe

⁶ See my article on "Nominating of Presidential Candidates." *Journal American Bar Association*. February, 1921.

analysis and extensive reorganization as are other forms of social and industrial groupings in our day. The existing party system does not hold by divine right, but is subject to challenge, test and improvement, as are other human institutions. The growing responsibilities of government are placing increasing burdens upon the party and with greater complexity of social and industrial conditions it may be presumed that the effectiveness of the party will be sharply scrutinized and its methods materially modified.

In the end it will be found that the dissatisfaction with the delegate system and with the direct primary is a symptom of troubles that go deeper down than any method of nomination. The frequent lack of a real basis of party unity must be considered. Party and governmental organization adapted to democratic responsibility and efficiency are involved; social and industrial maladjustments are related; our political *mores*, the level of popular interest and intelligence, human capacity for social organization, are intertwined in the fabric of the electoral issue. Light rather than heat is needed in the present stage of our party development, and the forward look of constructive intelligence striving to find the better way in our advance toward genuine democratic association and organization.⁷

DIRECT PRIMARIES ⁸

As an agency for the nomination of candidates for elective offices, the direct primary has been adopted and is now in use in 45 states. Connecticut, New Mexico and Rhode Island are the only states which nominate

⁷ On a previous occasion the writer suggested and again urges the great importance of a thoroughgoing, objective study of nominating systems in the United States. This would require the collaboration of a number of persons and the expenditure of considerable amounts for detailed investigation of specific situations, but it would prove the necessary basis for a constructive future policy or alternative policies.

⁸ By Charles Kettleborough. *Annals of the American Academy*. 106: 11-17. March, 1923.

candidates exclusively by other methods. Moreover, in most states the party machinery as it now exists is created and regulated by provisions which have been incorporated in the direct primary laws. The direct primary laws vary in their complexity and wealth of detail from those which have virtually adopted and legalized existing party methods of making nominations to the law of South Dakota, which is conspicuously detailed in its provisions. In its ideal form, all candidates who obtain office by election are nominated at the primary, but there are few, in any states in which the primary is as inclusive as that. Such tendency in the evolution of the primary as may be observed by an inspection of the laws, seems to be in the direction of restricting the primary to the nomination of local candidates, but even this tendency is not marked.

The various types of primaries now in use fall rather logically into two classes: (1) The mandatory primary and (2) the optional or permissive primary, with which latter may be included the so-called preferential primary. By the terms of the mandatory primary, all, or certain designated candidates for elective offices must be nominated by a primary. By the terms of the optional or permissive primary, all, or certain designated candidates for elective offices may be nominated by a primary, the determination usually being vested in the governing authority of the party of the jurisdiction in which the primary is to be held. The laws in either case are substantially identical, but in the optional primary states, the law must be invoked, while in the mandatory states it operates under its own power.

MANDATORY PRIMARIES

There are 39 states which have mandatory primary laws and in which primary elections are required to be held every alternate year for the nomination of candidates for public office. The mandatory primary states

include Arizona, California, Colorado, Florida, Idaho, Illinois, Indiana, Iowa, Kansas, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Washington, West Virginia, Wisconsin and Wyoming.

OPTIONAL PRIMARIES

There are 6 states which have the optional primary plan, by virtue of which the governing authority of the party in any jurisdiction may invoke the primary prior to any general election. The optional primary states include Alabama, Arkansas, Delaware, Georgia, Kentucky and Virginia. In addition to these states, however, the optional primary plan may be used in the mandatory primary states under certain circumstances and upon the happening of certain contingencies. In several of the mandatory states, vacancies which happen between the regular primary and the general election may, in the discretion of the party committee, be filled by a nomination made at a special primary. In Alabama and Arkansas, the use of the primary to fill such vacancies is optional. In Michigan, the question of nominating candidates by the primary in cities of less than 70,000 may be submitted or re-submitted to the voters at any biennial primary election, on petition of 20 per cent of the voters; villages and townships, under the general law, nominate candidates at a caucus, but on petition of 10 per cent of the voters of any village, the question of nominating village officers by means of the primary may be submitted to the voters, and if approved by a majority thereof, candidates are hereafter nominated at a caucus in which ballots are used as in a primary. Any village adopting the primary-caucus system may at any time revert to the system provided by the general law.

In townships, the primary-caucus plan may be adopted by the township board on its own initiative, or on petition of 25 per cent of the voters the adoption of the plan is obligatory. In Minnesota, in cities of the third class operating under a home rule charter, elective officers may be nominated at the primary on the adoption of a suitable resolution by the council. In North Carolina, county election boards may hold primaries for the selection of candidates for township and precinct officers. The Ohio primary law does not apply to township officers or officers of municipalities of less than 2,000 population, but the voters of such jurisdictions, by petition signed by a majority thereof, may establish the primary therein. Masters, magistrates and supervisors of registration in South Carolina are not nominated at the primary, but the respective county committees are authorized to order a primary for such officers. In West Virginia, the primary is applicable to municipalities, but any city or borough having a population of less than 30,000 may adopt other methods of nomination in lieu of a primary. In Florida, the primary is optional in all cities. In Massachusetts, the question of adopting, continuing or discontinuing the primary in municipalities is submitted at every city and town election. Except as otherwise specified, the governing authority of the party in the jurisdiction affected decides whether a party primary shall be held. The North Carolina primary law does not apply to 39 counties as to county officers and members of the lower house of the legislature, but on petition of one-fifth of the voters, the question of holding primaries therein may be submitted to the voters and if a majority vote favorably, the primary is thereafter operative.

DATES OF PRIMARIES

The dates of the primaries at which candidates are nominated for the general election are scattered from January to September of the even-numbered years.

There is one general primary held in January, one in March, 7 in April, 8 in May, 6 in June, one in July, 16 in August and 14 in September. Owing to the fact that presidential primaries are held separately, there are two general primaries in California, Maryland, Montana, West Virginia, Alabama, Louisiana, Massachusetts, Michigan, New Jersey, New York, Nebraska and Ohio. These dates, of course, take no account of special and municipal primaries, which are timed to occur from 3 to 8 weeks before the election for which they are held.

PARTIES TO WHICH APPLICABLE

The primary is designed to apply only to the larger parties and only those parties which cast a certain designated per cent of the vote at the last preceding election are obliged to conform with the primary law, although this restriction is conspicuously liberal in several states. The criterion is the total vote cast for governor, or for Secretary of State or for the candidate receiving the highest vote at the last preceding general election. In some cases the state vote is used and in others either the state vote or the vote in the political sub-division affected. The primary is applicable to parties which cast at least 1 per cent of the vote in Maine, Nebraska and Wisconsin; 2 per cent of the vote in Illinois and Iowa and in Pennsylvania for state officers; 3 per cent of the vote in California, Massachusetts, Missouri and New Hampshire; 5 per cent of the vote in Arizona, Florida, Louisiana, Minnesota, North Dakota and Vermont and in Pennsylvania for county offices; 10 per cent of the vote in Colorado, Idaho, Indiana, Maryland, Michigan, Nevada, New Jersey, Ohio, Tennessee, Washington, West Virginia, Wyoming and Delaware; 20 per cent of the vote in Oregon and Kentucky; and 25 per cent of the vote in Alabama and Virginia. In New York the act applies to parties which polled 15,000 votes and in Texas 100,000 votes at the last election. In Kansas,

Georgia, Arkansas, South Dakota, South Carolina, Oklahoma, Mississippi and Montana the law applies to all parties. In California, where joint candidates are allowable, the percentage is double that of single party candidates. In addition to casting 10 per cent of the vote, Idaho requires that the party must have had 3 nominees for state office at the last election.

OFFICERS TO WHICH APPLICABLE

Primaries, whether mandatory or optional, do not necessarily apply to all elective officers. The application is more generally uniform as to policy-determining officers than to those whose duty is more ministerial. Among the policy-determining officials to which the primary is applied, either by its own mandatory provisions or by preference provisions which may be invoked by the electors, are: President and Vice-President, United States senator, congressmen, governor, and members of the state legislature. Of the local government officials, those having charge of the management and intrusted with the expenditure of the funds of counties, townships, cities, towns and parishes, are generally included. The nomination of local judges, states' attorneys, justices of the peace and constables is frequently, but by no means always, made at the primary. The chief division of local sentiment as expressed in the primaries is over the question of the nomination of state as well as local offices. The theory is that the primary has a more practicable application to local government units than to the state as a whole. Obviously this theory has not gained very wide acceptance as the only states in which the primary is applied to local officials only are the following: Indiana, which excludes all state officers, but affords a preference primary vote on governor and United States senator; Idaho, which, by an act of 1919, restricted the primary to local officers exclusively; Maryland; New York, which

abandoned the state-wide primary in 1921; Utah and Florida, which apply only to municipal officers; and Kentucky, which is optional as to state officers and mandatory as to local. In addition there are a certain number of officers which are specifically excluded from the primary. These include, in California, municipalities and counties under special charters, cities of the fifth and sixth classes and district officers not for municipal purposes; in Colorado, town officers, delegates to the national convention and presidential electors; in Illinois, to presidential electors, trustees of the State University, school and township officers; in Kansas, local school officials and officers of cities of less than 5,000; in Kentucky, school officers, presidential electors and officers of towns of the fifth and sixth classes; in Massachusetts, cities and towns whose charters otherwise provide; in Michigan, to commission-governed cities or those having special charters; in Minnesota, to towns, villages, third and fourth-class cities, members of school, park and library boards in cities of less than 100,000, to presidential electors and county surveyor; in Missouri, to school, town and village officers and to city officers not elected at a general election; in Nebraska, to cities of less than 25,000, villages, precincts, townships, school districts and boards of supervisors; in Nevada, to city officers and officers of reclamation and irrigation districts; in New Hampshire, to city, town and school district officers; in New York, to town, village, school officers and presidential electors; besides, unofficial primaries may be held, but not at public expense; in Oregon, to cities and towns of less than 2,000 inhabitants.

SINGLE SHOT BALLOTS

Alabama has a provision in the primary law which eliminates ballots on which but a single name is marked. The law provides that ballots commonly known as single shot ballots shall not be counted. Where two or more

candidates are to be nominated, the voter must express himself for as many candidates as there are offices to be filled.

INDEPENDENT CANDIDATES

It frequently happens that the voters desire to nominate independent candidates for office subsequent to the primaries. There is a tendency on the part of party managers to discourage the practice of nominating independent candidates, and certain safeguards, some wise and others foolish, have been devised to insure party integrity or permit a free expression of opinion. In Arizona, candidates may be nominated by petition, but such petitions must be signed by voters who did not sign petitions before the primary and who did not participate in the primary. Arkansas permits nomination by petition without restrictions. In California, only those persons who did not vote in the primary or sign a petition for the particular candidate may sign a petition and no person is eligible for the office who was defeated at the primary. In Colorado and Idaho, petitions for independent candidates must be signed by voters who did not vote at the primary for any candidate for the office for which the petition is filed. In Indiana, no person can run as an independent candidate unless he files a petition 30 days before the primary. In Kentucky, Louisiana, Montana and Minnesota, a candidate who is defeated at the primary cannot run during the same year as an independent candidate.

NON-PARTISAN CANDIDATES

In California, all judges, school, county, municipal and township officers are nominated on a non-partisan ballot; in Iowa, all supreme, district and superior judges; in Minnesota, all judges of the supreme, district, probate and municipal courts; members of the state legislature, county officers and city officers in first- and

second-class cities; in Nevada, all judges of the supreme and district courts, justices of the peace, state superintendent of public instruction, university regents and school officials; in North Dakota, county officers, judges of the supreme and district courts, state and county school superintendents.

REGISTRATION

In practically all states which require registration for general elections, voters are also required to register for the primary. In California, any voter in registering may declare or decline to declare his party affiliation. If he declares his party affiliation he may vote both a party and a non-partisan ticket at the primary; if he declines to declare his party affiliation, he may vote only a non-partisan ticket. In Florida, the voter's party affiliation is entered on the registration books, which are preserved for use at the next ensuing primary, and no voter can change his party affiliation except by filing an application in writing 60 days before the primary. In Maryland, any voter who declines to state his party affiliation cannot vote at the primary; a voter cannot change his party affiliation except by giving notice 6 months before election. In Massachusetts, the registration roll showing the party affiliation of the voters is kept for 3 years and no voter can change his party affiliation except on written application and the change takes place 30 days after the application is made. In Minnesota and Nebraska, the day of the primary is the first registration day.

SAMPLE BALLOTS

In California, a sample ballot, containing all names in the same order as they will appear on the official ballot must be mailed to each voter at least 5 days before the primary.

PRE-PRIMARY CONVENTIONS

There are two states, Colorado and Minnesota, which hold pre-primary or endorsement conventions. In Colorado, these conventions are composed of delegates selected in any manner provided by rules of the party. The convention takes only one vote on each candidate and every candidate receiving 10 per cent or more of the vote of the convention must have his name printed on the primary ballot. The names of the convention candidates are placed on the ballot in order of the number of delegate votes each received in the convention, the one receiving the largest number of votes being placed first. Candidates may also enter the primary by filing a petition, but petition candidates have their names entered on the primary ballot after the names of the convention candidates. In Minnesota, a delegate election is held on the second Tuesday of March of even-numbered years to elect delegates to a county convention. Each election district is entitled to one delegate and such additional delegates as it is entitled to on the basis of the voting strength. At least 15 days before the convention, persons who desire to be candidates for delegate file a declaration. Within 10 days after the delegate election, a county convention is held to elect delegates to a state convention and to a congressional district convention. The congressional district convention endorses district officers. The state convention consists of 3 delegates at large from each county and such additional delegates as the voting strength of the county may entitle it to. The state convention endorses candidates for state office, United States senator, presidential electors and delegates at large to the national convention. The fact that a candidate is endorsed is printed on the ticket. The State Central Committee consists of 2 members from each congressional district elected at the state convention by the delegates representing such district; each candidate endorsed by the convention and each

candidate for congress selects one member and the candidate endorsed for governor is chairman. If any endorsed candidate is defeated, his selection is annulled and the successful candidate selects one.

OPEN PRIMARY

Colorado seems to be the only state having the so-called open primary. All tickets are on one ballot. Any voter may vote one and only ticket, and those tickets not voted are detached from the voted ticket and only the latter is deposited in the ballot box.

LOCAL COMMITTEES

In addition to the precinct, county, congressional district and state committees, which are the usual and prevailing committees in the party organization, other local committees are either created by law or the creation of such committees is authorized. In Colorado, there may be ward and sub-division committees and if such are formed, they consist of the precinct committeemen and women resident therein. There are also judicial, senatorial and representative district committees which consist of the chairmen and vice-chairmen of the several counties composing such districts, together with the candidates for office resident therein. In Florida, in addition to the statutory committees, party authorities may create any number of committees they desire. In Kansas, there are judicial, senatorial and representative district committees, composed of each county chairman of the district and one additional member chosen by the county committees for each 1,000 votes in excess of 1,500. In Louisiana, there are ward, town, plantation and representative class committees; in Michigan, judicial and representative district committees; in Mississippi, judicial district, senatorial and other district committees; in Missouri, senatorial and judicial

district committees; in New Hampshire, there may be town and ward committees.

NO OPPOSITION

In the following states when there are just enough candidates for the office or offices to be filled, the candidate's name is printed on the general election ballot and no election is held: Florida, Indiana, Louisiana, Michigan, and Minnesota.

POLITICAL PAMPHLETS

Several states provide for the publication of pamphlets designed to afford information to the voter as to the character and political opinions of the several candidates. Provision is made for the distribution of these pamphlets so that every voter may obtain a copy. A fee is charged to each candidate to defray the cost of publication and distribution. These pamphlets contain the portraits of the candidates; a statement about the candidacy of any candidate or of his opponent.

RUN-OFF PRIMARIES

In several of the southern states, the laws provide for run-off primaries in which only the two candidates having the highest votes participate. There may be one or more of these run-off primaries, depending on the event of the vote therein. Run-off primaries are held in Georgia, Louisiana, Mississippi, South Carolina, Tennessee and Texas.

COUNTY UNIT VOTE

In Georgia, candidates for United States senator, governor, state officers, judges of Supreme Court and Court of Appeals who receive the highest popular vote in any county, are considered to have carried the county

and are entitled to the full vote of the county on the county unit basis, which is two votes for each representative the county is entitled to, in the lower house of the legislature. Tying candidates divide the county unit vote. County unit votes are consolidated by the chairman and secretary of the state central committee of the party holding the primary and published, and the candidates who receive a majority of the county unit votes are declared to be the nominees by the state convention. If two candidates tie on county unit votes, the one receiving the highest popular vote is declared nominated. If no candidate for United States senator or governor receives a majority, a second primary is held in which the two high candidates only compete.

CUMULATIVE VOTING

In Illinois, any voter may cast three votes for any candidate for the lower house of the state legislature, or distribute them among either 2 or 3 candidates.

HAS THE DIRECT PRIMARY FAILED?⁹

THE OLD PLAN OF NOMINATION

For more than fifty years it was the custom throughout the United States to nominate candidates for public office by means of nominating conventions. Delegates were chosen in each ward of the city, and these delegates met together in city conventions to name the party candidates for the municipal election. Delegates were also chosen in each county or district of the state, and these met together in state conventions to name the party candidates for the state election. Finally, delegates from all the states met in national conventions to name the candidates of the respective parties for the presidential

⁹ By William Bennett Munro. *Current Problems in Citizenship*, p. 96-102.

election. In a word the members of the various political parties did not nominate candidates *directly* but performed this function through delegates or representatives.

DEFECTS OF THE OLD SYSTEM

Various evils, however, developed in connection with this method of making nominations. The delegates were often chosen by a few political bosses and not by the rank and file of the party. The conventions, when they met, were large bodies, too big for calm and orderly deliberation. For the most part they merely indorsed the slates of candidates which political leaders or bosses had prepared for them; in any case the convention plan lent itself to wire pulling and to the use of various underhand methods. At times, of course, the nominating convention did good work and brought high-grade candidates into the field, but quite as often (or even oftener) it nominated men who did not meet the approval of the party as a whole. The result was that inferior men often made their way into public office because a party nomination, in many cities and states, was equivalent to election.

RISE AND SPREAD OF THE DIRECT PRIMARY

Toward the end of the nineteenth century the people became dissatisfied with the convention plan of making nominations, especially for local offices, and an agitation for the *direct* nomination of candidates was started. This movement made rapid headway, and in due course the convention system gave place, in most cities, counties, and states, to the plan of making nominations by a direct primary. The nominating convention is still used, however, in the selection of the party candidates for the presidential elections. The direct primary is a preliminary election, held under the auspices of the public authorities. Regular polling places are designated, official ballots are supplied, and the usual securities for an honest

polling are provided. The direct primary does not *elect* anybody; it merely decides who shall be *nominated*. In other words, the man who aspires to an elective office must go through two contests—one to be nominated and the other to be elected.

WHAT WAS HOPED FROM IT

It was hoped and expected that the plan of nomination by direct primary would curb the power of political bosses and would encourage men of independent attitude to become candidates. In the convention, it was said, an inferior candidate could be nominated if he possessed the favor of a few political leaders, but he would have little chance when the selection lay in the hands of the entire party membership. Nominations would be fairly, openly, and honestly made, it was predicted, without resort to crookedness or trickery. The people would no longer be asked at the regular election to choose one of the two candidates neither of whom they had nominated and neither of whom they desired to elect. If public officers are to represent the people, the people should both nominate and elect them; they should not merely elect candidates whom the leaders have nominated. These and many other advantages were claimed for the direct primary by its advocates when it was being urged upon the country fifteen or twenty years ago.

ITS MERITS IN OPERATION

Have these claims been fulfilled? Has the direct primary curbed the power of the bosses, encouraged independent men to become candidates, or brought us a higher type of elective officeholders? To this question it is not easy to give a categorical answer, *Yes* or *No*. The direct primary has in many ways proved itself to be an improvement over the convention. To some extent it has encouraged independence in politics and has weak-

ened the power of the political "machines." It has placed upon the whole party, and not upon the leaders of the party, the responsibility for making nominations. It thereby gives to the rank and file of the voters a more definite and more active part in the selection of their representatives. Many instances could be given to show that the direct primary places in the hands of the people a powerful weapon for exerting an effective control over political policy. The professional politicians do not like the direct primary, and naturally so, for it was much easier to control the nominations under the convention plan.

ITS DEFECTS

On the other hand, the direct primary has disclosed a few serious defects, and some people go so far as to brand it a failure. It has certainly not measured up to the hopes and expectations of its advocates twenty years ago. This is not surprising, for we usually overestimate the merits of a new political device and forget that although it may diminish existing evils it is also likely to increase others so that in the end the losses may nearly offset the gains. Neither the direct primary nor any other method of nomination can guarantee the invariable selection of capable, honest, independent candidates. At best it is merely a question as to which plan will show the greater balance of merits over defects.

1. IT HAS HELPED TO BREAK DOWN PARTY RESPONSIBILITY AND HAS GIVEN AN ADVANTAGE TO THE MORE OPULENT CANDIDATES

Now the direct primary has weakened the party organizations and impaired the power of the party leaders. It has made party discipline harder to maintain. To a certain extent this has been no loss, particularly where the party organizations developed into "machines," con-

trolled not by leaders but by bosses. But the breaking down of the party system can easily be carried too far. There is certainly nothing to be gained by abolishing all party organizations and destroying all party leadership. Parties are essential to democratic government; organization and leadership are also essential. When the regular party organizations are destroyed and party leadership eliminated, something else is sure to arise in their place: personal organizations controlled by the candidates and self-appointed leaders who are a law unto themselves. Under such conditions the advantage lies with those candidates who are most widely known to the voters, even though they have no qualifications for the offices which they seek. The candidates at a direct primary must devote themselves for several weeks to campaigning, and the victory sometimes goes to the one who can secure the greatest amount of publicity irrespective of his own personal merits. There can be no doubt that the direct primary gives a marked advantage to the man whose name is already known to large numbers of voters or who is ready to spend large sums of money in making himself widely known. This has become so evident that many states have placed restrictions upon the amount which a candidate may spend in a primary campaign; but these restrictions are difficult to enforce. A rich candidate usually has rich friends who can spend the money on his behalf and make no report of it.

2. IT HAS NOT BROUGHT OUT A LARGE VOTE

Another shortcoming of the direct primary is the lack of interest which the voters often display in it. We say that nominations, under this plan, are "made by the people," but they are in fact usually made by a small fraction of the voters. The vote polled at the primary is almost always much smaller than that polled at the election. And the smaller the vote the easier it is for the professional politicians to control the result of the pri-

mary. Politicians and their friends always vote, no matter how little popular interest there may be in the polling. Office-holders and their friends also vote with unfailing regularity. In other words, the "regulars" can always be depended upon to poll their full strength. On the other hand, the "independents," the men and women who do not make politics their principal interest in life and who have no personal ends to serve, are the ones who stay at home in large numbers.

3. IT HAS PROMOTED INSINCERITY IN POLITICS

The direct primary, again, has brought a good deal of insincerity into the election campaigns. Opposing candidates endeavor to defeat each other at the primaries. To this end they attack each other's private and public records; they loudly proclaim each other's entire unfitness for the office. Their respective supporters do likewise, the newspapers join in, and the primary campaign often arouses great bitterness between factions of the same party. But when the victor emerges from the primary, the entire party is expected to unite solidly in his support. Having been chosen the standard bearer of the party, he has a right to receive its unanimous backing—even the backing of those stump speakers and newspapers which only a few days previous have been saying the hardest things about him. Now the people know that no candidate can be a sinner one day and a saint the next. They know that most of what is alleged against a candidate in the primary campaign will be retracted if he succeeds in capturing the nomination. So they have become suspicious of charges and countercharges made on the stump and in the newspapers, knowing full well that there is a great deal of claptrap about such things. Political campaigns, when fairly conducted on a proper plane, have an educative value; but they possess very little educational usefulness when so much is said and written for political effect solely. In the welter of attacks

and defense, praise and denunciations, assertions and denials, a great many people do not know what to believe or what to do. The voters at the primary often choose poor candidates because they lack the information, guidance, and leadership which alone would enable them to do otherwise.

SUMMARY

To sum up the situation one may say that while the direct primary is not exactly a failure it has disclosed some serious defects and is by no means an ideal method of making nominations. It assumes that great masses of people will act together, intelligently and wisely, without organization or leadership. But this they can never be expected to do. Politics is a specialty, like engineering, art, or business. Politicians will continue to concentrate their attention upon politics, just as engineers devote themselves to engineering. It is not practicable to abolish politicians so long as we retain politics, and we will have politics so long as we have popular government. So it is merely a matter of determining what sort of politicians we shall have and whether they shall do their work in one way or in another. The direct primary has somewhat changed the methods of professional politicians; it has made them work harder and spend more money. It has also enabled them to evade all responsibility when things go wrong.

THE "INFORMAL" CONVENTION AS A REMEDY FOR THESE DEFECTS

As a means of remedying some of the primary's defects a few states have established "informal conventions," or "pre-primary conventions," thus combining the old and new plans of nominations.¹⁰ Under this system a convention of delegates is held by each political party, and this convention provisionally nominates one candi-

¹⁰ For example, Colorado, South Dakota, Minnesota.

date for each office. These candidates are then "recommended" by the convention to the voters of the party. But if any element in the party does not like the list of men provisionally nominated by the convention, it can propose other names, and if such independent nominations are made, the voters decide between the two at the primary; they may choose either the recommended candidates or the independents. The merit of this plan is that it gives the people the benefit of recommendations from their party leaders, at the same time permitting them to choose other candidates if they so desire. It may be that this plan will provide a solution for our nomination problem as far as state and national elections are concerned.

BRIEF EXCERPTS

I would as soon go to live in a pen in a stock-yard as into American politics.—*H. G. Wells. The Future in America. p. 130.*

It is quite true that the newspapers do have greater influence under the direct primary.—*Mayo Fesler. National Review. 15: 529. September, 1926.*

Everywhere in the United States is to be found great popular dissatisfaction with the operations of our government, profound distrust of its methods and spirit, and conviction that there has been a failure to reach the standards and to realize the hopes of the Fathers of the Republic.—*Alfred B. Cruikshank. Popular Misgovernment in the United States. p. 7.*

The number of really first rate men and women that go into politics is alarmingly small. One writer says that we have an abundance of well-qualified leaders, "but they are not in politics and never will be under the present vile regime. It is just because they prize honor and

reputation that they stay out of politics."—*Sherwood Eddy and Kirby Page. Danger Zones of the Social Order. p. 57-8.*

Apparently, therefore, the direct primary, notwithstanding its shortcomings, is firmly established in the affection of the voters. As was to be expected, it has not fulfilled all the hopes of its advocates. It has not destroyed party bosses, eliminated machines, or led to radical changes in the character of the men nominated. Its actual achievements are difficult to measure. In fact, no searching examination has yet been made into the operations of the direct primary throughout the Union.—*Charles A. Beard. American Government and Politics. Fourth edition. p. 551.*

No one pretends that the root of the evil has been removed or that the grasp of the professional politician class upon the throat of the nation has been loosened. The elections from which so much was expected, the men and movements from which so much was hoped, have come and gone without substantial results. The same class of politicians, the same methods, the same political games, the same corruption, the same boss rule, the same old rings, the same fraud, cheating, waste, and general inefficiency remain the most striking features of our American public life.—*Alfred B. Cruikshank. Popular Misgovernment in the United States. p. 19.*

It is unquestionably true that the press becomes a more important factor in the direct primary system than under the delegate plan. Since the candidate cannot meet personally all of his constituents, the attitude taken by the great organs of publicity seriously affects his prospects. It may happen that the press is dominated by factional or other special interests, and hence that a particular candidate or group of candidates may not receive adequate or proper notice. The general dictation

of nominations by a prejudiced or venal press would, of course, be a political calamity of serious proportions. —Charles E. Merriam. *Primary Elections*. p. 127.

The party primary has not worked as well as its advocates prophesied. In fact, in many states, it has "been worked," until many less serious minded citizens declare for a return to the convention without reservation; and the active party leaders naturally long for it, as a thirsty man longs for the old oaken bucket that hung in the well. In fact, someone has transposed that longing into these words:

How dear to my heart are the old time conventions,
 When fond recollections present them to view.
 The proxies, the slates, the deep tangled instructions
 And every loved trick that our politics knew.
 The speeches, the motions, reports of committees,
 The ayes and the noes, and the gavel that fell,
 The caucus at midnight, the saloon open by it,
 And e'en the old growler that ne'er saw the well.
 The old time convention, the hand-picked convention,
 The boss ruled convention that served him so well.

—Mayo Fesler. *National Municipal Review*. 15: 529.
September, 1926.

It is generally agreed that there is less graft and corruption in American politics now than was the case four or five decades ago, or even in 1902 and 1903 when Lincoln Steffens wrote "The Shame of the Cities". Conditions certainly are not as bad now as they were in the days of the old political bosses, Tweed, Croker, McManes, Reuf, and Lorimer. Nevertheless, there is still widespread graft and corruption in American politics. We still have with us the political machine, the political ring, and the political boss. Fraud in elections still prevails on an extended scale. Dishonesty and crookedness are more prevalent in municipal life than in state or national affairs, although even in the latter realm there is an occasional Fall or Daugherty. Professor John R. Com-

mons of the University of Wisconsin says, "Great corporations and syndicates seeking legislative favors are known to control the acts of both branches of Congress. . . The people at large have come thoroughly to distrust their law-makers. Charges of corruption and bribery are so abundant as to be taken as a matter of course. The honored historical name of Alderman has frequently become a stigma of suspicion and disgrace." —*Sherwood Eddy and Kirby Page. Danger Zones of the Social Order. p. 57.*

AFFIRMATIVE DISCUSSION

WHY I BELIEVE IN THE DIRECT PRIMARY¹

Our government is founded upon the theory that the people are sufficiently intelligent to control their own government. The argument I shall make is based upon the truth of this assumption. The direct primary is simply a method by which the will of the people can be ascertained in the selection of those who shall make and administer the laws under which all of the people must live. There is nothing sacred about it. If a better method can be devised I would not hesitate to abandon it and throw it aside. Neither will I claim that it is perfect. It has many weaknesses and imperfections. Until we can find a better system we ought to devote our energies toward its improvement by making whatever amendments experience demonstrates are necessary, always having in view the fundamental principle that we are trying to devise a plan by which the people will come as nearly as possible into the control of their own government. We must not expect perfection. We cannot hope to devise a plan that will make it impossible for mistakes to occur. We cannot by law change human nature. Selfish, designing, and even dishonest men will sometimes be able to deceive a majority of the people, however intelligent and careful they may be. Every government, whatever may be the system of nominating candidates for office, ought to provide by law for the recall of its officials by the people. If the people should make a mistake they will correct it. If a public servant has been faithful and true to his trust, it will not be

¹ By George W. Norris, United States senator from Nebraska. *Annals of the American Academy*. 106: 22-30. March, 1923.

necessary for him to seek the approval of party bosses and machine politicians for his own vindication. The direct primary is in fact a part of the system of our election machinery. It is just as important, and often more important, than the official election which follows. A people who are qualified to vote for candidates at the general election are likewise qualified to select those candidates at the direct primary election. It requires no more intelligence to vote at that election than it does at the regular election. To deny to the citizen the right to select candidates and to confine his suffrage rights solely to a decision as between candidates after they have been selected is, in reality, at least a partial denial of the right of suffrage. It very often means that the voter is given the right only to decide between two evils. The right, therefore, to select candidates is fundamental in a free government, and whenever this right is denied or curtailed, the government is being placed beyond the control of the people.

OBJECTIONS TO THE DIRECT PRIMARY

No better defense can be made of the direct primary than to consider the objections that are made to it. In doing this, it must be remembered that up to this time we have had but two systems. One is the old convention system and the other is the newer and more modern system of the direct primary. Those who are opposed to the latter, advocate the return to the convention system, and in doing this they point out various objections to the direct primary, which, they argue, are sufficient reason for discarding it. It is my purpose now to consider some of these objections. Some of them, instead of being objections to the direct primary, are in reality arguments in its favor. Other objections made are only partially sound, while some of them are untrue in fact. If we are seeking better government and have no ulterior motive whatever, we

ought to be constructive in our criticism. This I shall try my best to be. I am seeking to find the best system of nominating candidates. The defects of the direct primary system, even in its crude state, are so much less than the wrongs and evils of the convention system, that an intelligent people will not hesitate to adopt it rather than the long used and universally condemned convention system, and devote their energies in a fair and honest way to the enactment of laws that shall, as far as possible, eliminate the defects of the primary.

DOES THE DIRECT PRIMARY LOWER PARTY RESPONSIBILITY AND DECREASE THE PARTY SPIRIT?

One of the objections that is always made to the direct primary is that it takes away party responsibility and breaks down party control. This objection is perhaps the most important of any that are made against the direct primary. Politicians, political bosses, corporations and combinations seeking special privilege and exceptional favor at the hands of legislatures and executive officials, always urge this as the first reason why the direct primary should be abolished. But this objection thus given against the direct primary I frankly offer as one of the best reasons for its retention. The direct primary will lower party responsibility. In its stead it establishes individual responsibility. It does lessen allegiance to party and increase individual independence, both as to the public official and as to the private citizen. It takes away the power of the party leader or boss and places the responsibility for control upon the individual. It lessens party spirit and decreases partisanship. These are some of the reasons why the primary should be retained and extended. A party is only an instrumentality of government. Whenever, through party control, a public official casts any vote or performs any official act that is not in harmony with his own conscientious convictions, then the party spirit

has become an instrument of injury to the body politic rather than a blessing. Laws enacted through such influences not only do not express the wishes and the will of the citizens, but it is in this way that bad laws are placed upon the statute book and good laws are often defeated. A public official should in the performance of his official duties be entirely non-partisan. Whenever he is otherwise, he is in reality placing his party above his country. He is doing what he conscientiously believes to be wrong with the people at large, in order that he may be right with his party.

The country owes most of its progress to the independent voter, and it is a subject of great congratulation that his number is increasing at a wonderfully rapid rate. Partisanship blinds not only the public official but the ordinary citizen and tends to lead him away from good government. In a Republican stronghold, the machine politician deceives the people by asserting that he is an Abraham Lincoln Republican, while in the Democratic locality, the same class-official seeks to carry public favor by claiming a political relationship to Thomas Jefferson. It is the party spirit that enables these men to cover up their shortcomings. It is the party spirit on the part of the voter that causes him to be moved by such appeals. Party allegiance and party control if carried to their logical end, would eliminate the independent voter entirely; and incidentally, it ought to be said that the independent voter is always condemned by the politicians and those in control of political parties.

The direct primary is comparatively new. The one circumstance more than any other that brought it into life was the evil in our government that came from the spirit of party. This evil grew from a small beginning and gradually increased until it pervaded and controlled our government. The means through which this evil spirit could most successfully work was the party convention. Its danger was seen long before it had reached

a point where its evil was felt. Its demoralizing influence upon popular government was forcibly predicted by George Washington. He warned his countrymen in the most solemn manner against the baneful effects of the spirit of the party generally. In speaking of party spirit in his Farewell Address, he said :

It exists under different shapes in all governments, more or less stifled, controlled, or repressed; but in those of the popular form it is seen in its greatest rankness, and is truly their worst enemy.

The alternate domination of one faction over another, sharpened by the spirit of revenge natural to party dissension, which in different ages and countries has perpetrated the most horrid enormities, is itself a frightful despotism. But this leads at length to a more formal and permanent despotism. The disorders and miseries which result, gradually incline the minds of men to seek security and repose in the absolute power of an individual; and, sooner or later, the chief of some prevailing faction, more able or more fortunate than his competitors, turns this disposition to the purpose of his own elevation on the ruins of public liberty.

He declared it was not only the duty but to the interest of a wise people to discourage and to restrain the party spirit. Again he said :

... and in governments of a monarchical cast, patriotism may look with indulgence, if not with favor, upon the spirit of party. But in those of the popular character, in governments purely elective, it is a spirit not to be encouraged. From their natural tendency, it is certain there will always be enough of that spirit for every salutary purpose. And there being constant danger of excess, the effort ought to be, by force of public opinion, to mitigate and assuage it. A fire not to be quenched, it demands a uniform vigilance to prevent it bursting into a flame, lest instead of warming, it should consume.

The direct primary does not seek the destruction of party, but it places its control directly in the hands of the voter. It lowers party responsibility, and to a certain extent takes away party government by placing country above party. If the primary had done nothing more than the one thing of substituting individual responsibility for party responsibility, thus doing away with

party control, it would have given sufficient reason for its existence.

DOES THE DIRECT PRIMARY GIVE THE
NEWSPAPERS TOO MUCH POWER?

Another objection made to the direct primary is that it results in giving control over nominations to the newspapers. There is no doubt that the direct primary increases the influence and power of some newspapers. The newspaper that is true to its name, gives first of all, the news—unbiased, uncensored, and unprejudiced—and one whose editorial policy is open and fair will have its influence in political matters increased by the primary. This, however, is a good rather than a bad thing. The newspaper that publishes the truth and gives a true report of political news ought to have its power and its influence increased. The increase of influence on the part of such instrumentalities will tend toward a more intelligent selection of candidates, and therefore should be encouraged rather than condemned.

DOES THE DIRECT PRIMARY INCREASE THE EXPENSE
OF A CAMPAIGN?

Another objection made to the direct primary is that it extends the campaign over an unnecessarily long time, and it is for that reason, and others, too expensive. It is probably true that in actual practice the direct primary extends the time of the campaign, although there is no limit of time that a candidate for office can spend in his campaign. He can put in all his time if he desires, whether he is campaigning for a nomination at a direct primary or for a nomination at the hands of a convention.

The advocates of the convention system claim that the convention is as representative of all the people as the direct primary. If this be true, then it will require

as much time to secure a nomination at a convention as it would at a primary. If the convention is really representative of all the people, and carries out the wishes of the people, then the campaign in one case would be as long as in the other. The candidate, to get the nomination, would undertake to reach as many voters as possible, the difference being that in the case of the primary, when he had convinced the voter, he would have nothing further to do, while in the case of a convention nomination he would first convince the voter in order that the voter might select a favorable delegate, and then put in a lot more time to see that the delegate carried out the wishes of those whom he represented. The result, therefore, so far as time is concerned, would be favorable to the direct primary. Of course, everybody knows this is not what actually occurs in the case of the convention system. The bosses who control conventions are the only ones necessary to secure the nomination. They manipulate the convention so as to bring about the desired result.

In actual practice it has been demonstrated that the direct primary is not expensive. The expenditure of enormous sums of money to secure the nomination deserves righteous condemnation, and there have been many glaring incidents where this condemnation has taken place. There is no doubt but that there are many cases both in the primary and under the convention system, and likewise at the election, where the expenditure of large sums of money has been instrumental, and in some cases the predominating influence, in securing nominations and elections. It is an evil that I do not believe can be entirely eliminated, but it is not confined to the primary. It applies equally to the convention and to the general election. The man with money has an advantage over the poor man. This is true in politics as it is in business. The remedy lies in the enactment of stringent corrupt practice acts. The law should limit

the expenditure of money for the purpose of securing nominations either at a direct primary or at a convention. It should prohibit expressly the expenditure of money for some of the practices indulged in. It should provide for the most complete publicity of all expenditures. These publications should take place both before and after the election. The violation of any of these laws should make the nomination or the election absolutely void. Political advertisements should, in my judgment, be prohibited by law. Contributions to religious and charitable institutions should likewise be prohibited. Proper criminal penalties for violation of the law should be provided. It should perhaps be made the duty of some specific official to prosecute violations of this statute, not only against the successful candidate if he is properly charged, but in the same way against any other candidate at the direct primary, before the convention, or at the election. One of the difficulties with this kind of statute has been that prosecuting officials have not been called upon to act especially against the man who had been defeated, and it sometimes happens that the defeated candidate, being as guilty as the successful one, is so anxious to cover up his own violation of law that he is therefore not in very good condition to prosecute his opponent.

It might be a good precautionary measure to provide by law not only that reports shall be made but that candidates, officers of committees, and managers of campaigns should be required to submit themselves to cross-examination upon the filing of such reports, with a view of uncovering any violation of law that might have taken place. One of the difficulties in the enforcement of such laws at the present time is the party spirit and party responsibility. Where both parties are guilty, it is difficult to get anyone to father the responsibility for a prosecution. If party responsibility were eliminated, and party regularity not considered almost a divine

attribute, many of these illegal acts would be brought to light that are otherwise concealed and covered up.

Complete publicity will go a long way toward relieving the evil. The intelligent citizen revolts at the expenditure of large sums of money for the purpose of controlling election, either direct primary or general, and the people themselves will do a great deal toward punishing those who are guilty of the offense. The expenditure of large sums of money in any honest campaign is not necessary, and the intelligent citizen knows this, and will condemn the man who indulges in it. From my personal acquaintance with public officials, I am satisfied that the direct primary has been instrumental in putting more poor men into office than the convention system. I have no doubt of the truth of this statement. I think the United States Senate is a demonstration of this proposition. There are a great many members of that body whom I could name, who would not be there if it were not for the direct primary, and most of them poor. I have no doubt if the truth were really known, that candidates for office have spent more money under the convention system than under the direct primary. But that is not the only recommendation of the direct primary nor the only objection to the convention method. The public official who has to be nominated at a convention knows very well that in order to retain his place he must become a part if not the head of a political machine. He must keep this machine oiled all the time he is in office. He must obey the mandates of those above him in order to secure his share of patronage, and he must use this patronage to build up his machine. In other words, he trades public office for political support. It costs no small amount of both time and money to keep his machine oiled. He must either pay it himself or become obligated officially to someone who does. The result of it all is that the public gets the worst of the deal. Ap-

pointees are selected entirely upon their ability to control the politics of their communities, and not with regard to their qualifications for office. We have, therefore, poorer government at greater expense. The public are paying the salaries of incompetent men who use their official positions to keep the machine in control. On the other hand, the public official who depends upon the direct primary for election is responsible to the rank and file of the people themselves. He can defy the machine and take the question directly to the people, and if he possesses the courage of his convictions, he will not do this in vain. This relieves him entirely during his occupancy of the office from the taking up of a large portion of his time in looking after his machine. He can devote his energies and his abilities entirely to the welfare of the country and to the performance of his official duties.

It might not be out of place in this connection to relate my own personal experience. I have been nominated several times for the House of Representatives and twice for the Senate. Both times when I was a candidate for the Senate I had very active spirited opposition. My nominations cost me, as I remember it now, less than five hundred dollars on each of these occasions. I know that if I had undertaken to secure a nomination at the hands of a convention, I would have been defeated had I not spent many times this sum of money, and probably would have been defeated anyway. In neither of these campaigns, so far as I was able to see, was I handicapped on account of money. In looking back over it now, I do not see where I could have legitimately spent more than I did.

DOES THE DIRECT PRIMARY LESSEN DELIBERATION AND INTELLIGENCE IN THE SELECTION OF CANDIDATES?

Another objection made to the direct primary is that it takes away the deliberation which the convention

system affords, and that therefore the primary does not give the proper opportunity for an intelligent selection of candidates. This objection is not true. The convention does not afford any opportunity for deliberation. It is a place where trades are made and not where judicious selection of candidates is indulged in. In a state convention, for instance, where there are a large number of candidates to be nominated, a candidate having behind him the delegates of a county or a group of counties will throw these votes anywhere, to any candidate, for any office, except the one for which he is a candidate. The candidate who secures the nomination is the one whose manager has been the most successful in making these trades. This manager does not ask the delegates behind some candidate for some other office anything about the qualifications of their candidate. He wants to know how many votes he can get for his candidate if he will throw his delegation in favor of the candidate for some other office. No question is asked on either side as to qualifications. Political bosses are often instrumental in having candidates get into the field for some office, not because they want to nominate the candidate, but because they are anxious to fill a particular office with a particular man, and they therefore try their best to get as much trading stock in the field as possible. The convention usually does its work in one day. It would be an impossibility, even if delegates were seeking men with particular qualifications for particular offices, for them to ascertain the truth within the short time in which a decision must be made. A political convention is anything but a deliberative body.

There are always, of course, many delegates in all conventions moved by the highest of motives and doing their best to nominate good men for all the offices, but as a general rule they are in a small minority. The convention system has been condemned by an enlightened

citizenship after a long and wearisome trial. This fact is so well known and understood by the people generally that its defence is almost a waste of words. The direct primary system, while by no means perfect, gives much more opportunity for intelligent selection. The citizen in his own home has weeks of time to inform himself upon the qualifications of the various candidates seeking the primary nomination. He does this deliberately. He has no opportunity to make a trade. He decides the question upon what to him seems to be the best evidence. As the citizen becomes used to the direct primary, he takes greater pains to inform himself. The direct primary tends to educate the people. They get together and discuss the qualifications of the various candidates at the meetings of different kinds of clubs and organizations. They do this in no partisan way, but in an honest effort to secure the best nominees. This means that the electorate is constantly improving itself, and while improving itself, is improving the government by selecting better candidates for office.

PRIMARY SOMETIMES RESULTS IN MINORITY NOMINEE

Another objection sometimes urged against the direct primary is that sometimes the nominee does not receive a majority of all of the votes. This is true. It is a defect that ought to be remedied, but those who urge this objection give it as one reason for abolishing the direct primary and going back to the convention system, and yet the same objection applies to the convention system. Who is able to say in any case that the nominee of a convention is a choice of the majority of the members of a party? There is no machinery in the convention that will disclose whether or not this is true. Why is it that those who are opposed to the primary will not be fair in their argument? If the direct primary should be abolished because the nominee is sometimes voted

for by only a minority, then likewise, the convention should be abolished because there is no way of telling that the nominee is favored by a majority of the party. This objection applies both to the convention and to the direct primary. By what logic can it be urged therefore, that the primary should be abolished and the convention reëstablished? As far as I am able to see there is no way of relieving this objection as far as it applies to the convention, but there is a way of at least reducing the probability of a minority nominee in the primary. If the primary law provided that the voter could express both a first and a second choice we would have gone a long way toward the elimination of this objection. If the law provided that in case no one received a majority of all votes cast, that the second choice of the voters as to all candidates except the highest two should be counted, this would in most every case give the expression of a majority of the voters. In my judgment such a provision ought to be included in every primary law. Even without this provision this objection is no greater against the primary law than it is against the convention, but with it, it gives the primary a great advantage over the convention in this respect.

PRIMARY ABOLISHED IN SOME STATES

It is alleged that the direct primary has been abolished in several of the states after giving it a trial. The intention seems to be to convey to the public the idea that those who have given the direct primary a fair and honest trial, have reached the conclusion that it is not practical, that good results are not obtained therefrom, and that the people have voluntarily gone back to the convention on the theory that this system is after all superior to the direct primary. Those who offer this objection boastingly refer to New York, Idaho, South Dakota and Nebraska as instances where the direct primary has been discarded and the people have re-

turned to the old convention system. Again our opponents are unfair, again they tell only half of the truth.

In the state of New York, the legislature repealed the direct primary law insofar as it related to state and judicial officers. The repeal was urged very strongly by the governor. This repeal was an issue in the last election. The party that was successful in that election incorporated a plank in its platform promising to re-establish the direct primary if they were successful at the polls. The result was an overwhelming defeat of those who were instrumental in repealing the primary law. The governor, at whose instance this action was taken, was defeated by one of the largest majorities ever given to a governor in that state. The people spoke with no uncertain voice at the very first opportunity and overwhelmingly defeated those who were responsible for the repeal of the primary law.

In the state of Idaho, where the direct primary law was repealed by the legislature, the matter likewise became a leading issue in the next campaign and as a result those who favored the reënactment of the law were successful, and the new legislature of Idaho is pledged to reënact a primary law.

South Dakota has had a very peculiar primary law. It has been repealed, modified and reënacted several times, and as I understand it, they still have a primary law with some modifications providing for a convention as well as a primary. In my judgment it is far from being a workable and practical law. It provides for a great deal of useless and unnecessary machinery, brought about from the fact that the law still retains the convention. Its weakness is that it does not get entirely away from the convention, but every vote that has been had in South Dakota indicates that the people are favorable to a direct primary, and that they will without doubt eventually secure a fair and workable law.

In Nebraska the legislature at its last session repealed the direct primary as it applied to part of the state officials. In that state, the constitution provides for a referendum, and when this law repealing the direct primary was passed, the proper petitions were circulated and filed by which the repeal was stayed until the matter could be referred to the people at a general election. When this general election was held, the repeal of the direct primary by the legislature was repudiated by an overwhelming and crushing majority, so that the direct primary in Nebraska still stands.

I know of no state that has given the direct primary a fair and honest test that does not consider it far superior to the old convention system. These cases that are cited by those who oppose the direct primary to show that the people are dissatisfied with it and have repudiated it, are in every case, so far as I know, completely answered by the people themselves. They have in every case repudiated the action of the legislature. While the people may not always be satisfied with a direct primary, they are nevertheless much better pleased with it than with the convention system, and there is no danger after having once tried a fair primary that an intelligent people will take a step backward to the convention. The fight for direct primary has always been a bitter one. Those who advocate it have at every step had to contest the way with political machines, and all of the power and resourcefulness of these machines has been used to defeat the direct primary. Where they have not been successful in defeating the law, they have sometimes succeeded in keeping in the law objectionable features, placed there often for the sole and only purpose of making the law objectionable.

CONCLUSION

It can be safely stated that the great majority of the American people are in favor of the direct primary, and

that politicians, men seeking a selfish advantage, political machines, and combinations of special interests, constitute the vast majority of those who are opposed to it. It has some objectionable features, but upon examination it is found that practically every one of these applies with equal force to the convention. Many of these objections can be entirely eliminated as far as the direct primary is concerned, and practically all of them can be partially eliminated. The direct primary relieves the party and party machinery of a great deal of its responsibility, and places this responsibility upon the individual voter. The intelligent American citizen assumes this responsibility with a firm determination of performing his full duty by informing himself upon all the questions pertaining to government. It therefore results in a more intelligent electorate, and as this intelligence increases, it results in better government. Experience will bring about improvement as the necessity is shown to exist by practice. It will not bring the millennium and it will not cure all of the defects of government, but it will relieve many of the admitted evils and act as a great school of education for the common citizen. The artificial enthusiasm created by the convention system which makes it easy to deceive the people will give way to the enlightened judgment of reason that will pervade the firesides and homes of a thinking, patriotic people. A citizenship that is sufficiently intelligent to vote at a general election will never surrender to others the right to name the candidates at that election.

ADVANTAGES OF THE DIRECT PRIMARY²

The specific *advantages* claimed for the direct primary may be enumerated as follows:

(1) Active political work on the part of the rank and file of the party is encouraged because the direct pri-

² By P. Orman Ray. *Introduction to Political Parties and Practical Politics.*

mary makes it easier for the ordinary voter to exert an influence on the choice of the committeemen and candidates.

(2) It brings out a larger vote to the primaries. From twenty-five to seventy-five per cent of the party voters quite regularly come out to the direct primary, and when an especially sharp contest is on from fifty-five to eighty-five per cent come out.

(3) The direct primary is simpler than the convention system. Under the latter there is a primary followed by the various conventions. Under the direct system, one day's primary election usually settles everything, and the whole cumbrous and expensive machinery of the delegate convention is abolished.

(4) Where the party committeemen are chosen directly by the voters, the system "promotes true party leadership by making it less susceptible to misuse, and more in accord with general party sentiment."

(5) It is claimed that the direct primary "secures the nomination of better men by making their nomination depend upon the presentation of their claims to the voters, instead of upon secret manipulations." A more conservative statement would be that the direct primary is an institution for bringing out a conspicuously fit person, or for attacking a conspicuously unfit one or one whose alliances are conspicuously unfit.

(6) The direct primary takes away from the politicians much of their former control over nominations, and places that control more nearly in the hands of the people. The result is to make "the elective officer more independent of those who would control his action for their own selfish advantage, and enables him to appeal more directly to his constituency upon the basis of faithful service." Thus it proves "a strong barrier against the efforts of those who seek to pervert administration to the service of privilege, or to secure immunity for law-breaking."

(7) Bribery and corruption are rendered, if not more difficult, at least less potent than formerly in determining nominations.

(8) The simplification of our large confusing ballot is a result that may ultimately be looked for. While the direct primary does not reduce the number of elective offices, it will have a constantly increasing influence to that end, because it will serve to keep before the voter the magnitude of the political burden unnecessarily loaded upon his shoulders.

MOST STATES SHOW LOW PRIMARY COSTS ³

Expenditures in recent primary contests throughout the country have been insignificant by comparison with those in Pennsylvania and Illinois earlier in the year, dispatches to THE TIMES from States in which there have been contests disclosed yesterday.

Compared with the expenditure of nearly \$2,000,000 in the triangular contest among William S. Vare, Senator George Wharton Pepper and Governor Gifford Pinchot for the Republican nomination for United States Senator in Pennsylvania and with the expenditure of about \$1,000,000 in the primary campaign in Illinois, the cost of obtaining nominations in other States has diminished materially since investigation of the Pennsylvania and Illinois primary expenditures by a Senate committee.

In Iowa, where there was a bitter primary contest for the Republican nomination for Senator, Smith W. Brookhart, successful candidate, spent only \$1,479, and the late Senator Albert B. Cummins only \$4,899. The Democratic candidate found campaigning cheaper, for Claude R. Porter, Democratic nominee for the Senate, spent only \$135.85, while his opponents, J. R. Files and J. C. Murtagh, spent \$651 and \$399, respectively.

³ From *New York Times*. September 13, 1926.

OUTLAY IN WISCONSIN \$22,000

In Wisconsin, where there was a particularly hard contest between the radical and conservative wings of the Republican Party for the Senate nomination, Senator Irvine L. Lenroot spent \$14,847. Governor J. J. Blaine, successful candidate of the La Follette faction, spent \$7,436.

In Ohio Senator Frank B. Willis spent \$3,995 to obtain renomination on the Republican ticket. Atlee Pomerene, his Democratic opponent, won his nomination with the expenditure of only several hundred dollars. Myers Y. Cooper, Republican nominee for Governor of Ohio, had the highest expense of any individual candidate since the Pennsylvania and Illinois primaries. He spent \$40,000.

In Indiana, traditionally a State of spirited political battles, Arthur Robinson and Senator James E. Watson, the Republican nominees for Senator, spent \$10,000 and \$21,000, respectively, to win the nominations. Evan Woolen, Democratic candidate, who will oppose Mr. Robinson for the short term, spent only a few dollars. Albert Stump, the Democratic nominee, who will oppose Senator Watson, spent \$2,000.

In Oklahoma Senator J. W. Harreld, Republican, won renomination with an expenditure of \$2,339. Elmer Thomas, the Democratic nominee for Senator, spent \$2,749.

CURTIS SPENT \$110 IN KANSAS

It cost Senator Duncan U. Fletcher of Florida, Democrat, \$3,803 to win renomination against two opponents.

Senator Charles Curtis of Kansas, Republican whip, spent only \$110 on his renomination.

The expenses of five candidates for the Democratic nomination for Senator in Alabama ranged from \$7,000 to \$9,000. Hugo Black, the winner, spent \$8,700.

It cost Senator Peter Norbeck, Republican, of South Dakota, \$1,876 to be renominated and Senator Gerald P. Nye of North Dakota, \$362 to win his renomination against several contenders.

There is no United States Senator to be elected in Nebraska this year. It cost the twelve successful candidates for Representative on both the Republican and Democratic tickets an aggregate of \$2,194 for their primary campaign expenses.

DIRECT PRIMARY NOMINATIONS: WHY THEY SHOULD BE ADOPTED FOR NEW YORK.*

The primary, under the present indirect system, is the election by enrolled voters of party officers and delegates to a series of conventions whose principal function is to nominate candidates for public office. A direct primary is one in which the enrolled voters choose by direct vote the party candidates for public office, instead of choosing delegates to nominate those candidates.

THE CONVENTION SYSTEM

The present indirect system of nominating candidates has convinced the average citizen of the futility of attempting any contest in the primaries, and only a small percentage of the enrolled voters go through the motions of voting for the delegates already selected for them by the leaders. The primary vote for delegates to conventions is largely cast by those who make more or less of a profession of politics. The convention, when assembled, by no means represents the will of even a respectable plurality of the party members. For instance, the Republican delegation to the state convention from Syracuse, in 1908, was opposed to the renomination of Governor Hughes. Several thousand postal cards sent indiscriminately to enrolled Republicans of Syracuse,

* From a pamphlet issued by Citizens Union. New York. 1909.

however revealed the fact that about eight out of every nine strongly desired the Governor's re-nomination.

The convention starts with the handicap of being unrepresentative. The public is handicapped in any effort to enforce its will. This is necessarily so, as long as the convention system is retained. Public opinion cannot express itself except where the issue is defined. The machine, having taken no stand prior to the primaries, and having announced no policy, there is no specific issue which can be made against the delegates which it has picked out. The public is in the position of an individual, compelled to give a power of attorney without knowing what will be done, and powerless to withdraw the power of attorney, if its use is abused. At every step in the process, the public must work in the open, while the machine leaders conceal their hand, and thrive upon the consequent inability of decent delegates to make any effective opposition.

Furthermore, the meeting-place of a convention is about the least conducive imaginable to sober consideration of merit. Rumor flies after rumor. There is neither time nor opportunity for investigation. In a few hours or days, the convention members, now brought together as a body for the first time, will again part, never to meet again as a body. While they fill the hotel lobby, swayed by this report and that, the real business of the convention is being done upstairs in a private room where the leaders make the slate. When the slate is prepared, the convention is allowed for a few hours to look like a deliberative body.

Suppose a movement is started in opposition to the proposed final slate. Then ensues a contest to control the Committee on Credentials, and which ever faction wins, will generally dominate the convention. Contesting delegations, when necessary, appear almost out of the air, over-night, in response to a telegram, and are calmly seated.

If these tactics do not positively ensure success, there is still a chairman to be elected, and chairmen can be found who never see a member of the opposing faction rise to speak. Though a hundred men yell "No," the chairman can hear only "Yes." Though a dozen written resolutions may be started toward the chairman's desk, they are lost on the way. Finally, in the midst of an uproar in which it is impossible to hear how delegates vote, amidst hisses and cat-calls and cheers, the nominations are declared to have been made.

PROVEN ADVANTAGES OF DIRECT PRIMARIES

Aside from abolishing the evils which have developed in the present system of nominations the direct primary offers positive advantages over all other methods yet devised for choosing party officials and party candidates. These advantages may fairly be summarized under three heads, as follows:

- (1) It substitutes responsibility to the enrolled voters for responsibility to machine bosses.
- (2) It is simpler than other systems.
- (3) It makes the exercise of corrupt influence over the nominating process more difficult.

(1) HOW THE DIRECT PRIMARY SUBSTITUTES RESPONSIBILITY TO THE VOTERS FOR RESPONSIBILITY TO BOSSES

The importance of this feature can hardly be overestimated. As Governor Hughes pointed out in a recent speech in New York City, *three-fourths of the members of the present legislature come from districts where the nomination of the dominant party is equivalent to election.* When, in such districts, the candidates are nominated by a method which places the real election in the hands of a few men, then in soberest earnest one may say that the forms of popular government are become but

a sham. That this is clearly realized in that section of the country where one party has been longest and most undisputedly in the ascendency is shown by the fact that in almost every state in the South the rules of the Democratic party have required for years past that its nominations for public office be made by the popular vote of its members. That Republican candidates are not nominated in the same way is due to the purely nominal importance of the minority party's selections. Seven of these southern states have gone further and provided for this method of nomination by state-wide direct primary laws, four of these laws being optional and three mandatory. Why should New York continue to abdicate to party "leaders" or bosses the choice of *any* of its public officers?

Even if in practice under the present system conventions were not boss-ridden, and delegates felt that they owed their positions to the decision of those who participated in primaries, the system would not be truly representative unless more votes were cast in the latter than is the case at present. Commonly, the indirect primaries are not attended by more than ten per cent of the enrolled voters, and frequently by only a fraction of one per cent.

Direct primaries bring out quite regularly from 25 to 95 per cent, and in the majority party, especially where there is a sharp contest, from 55 to 85 per cent of the enrolled voters. This is because every voter has a voice in selecting party candidates. Ask a hundred men who do not attend primaries whether they would attend if they could vote directly for the candidates. Almost every man of them would probably reply in the affirmative.

In Minnesota in 1902, for example, after the direct nominations system had been extended in that state because of the success of its trial in Minneapolis, about the same vote was cast in the primaries as is cast in

off-year elections. In Minneapolis in 1900, 69.2 per cent as many votes were cast in the direct primaries as in the general election. In Duluth, in 1901, in a municipal election, 69.8 per cent of those who later voted in the election cast their votes in the primaries. In the same year the direct nomination vote in St. Paul was 94.6 per cent of the election vote. In the Dodge county primary in 1902, the direct primary vote was 28.6 per cent *more* than it had been in the general election of 1900. The vote in the Republican primaries throughout the entire state in 1902 was 78.8 per cent of the Republican vote in the election which followed. In Minneapolis in 1905, the Republicans cast 97 per cent of their votes in the primaries, and the Democrats 84 per cent.

In Crawford county, Pa., where the system has had the longest trial, the average vote cast in the direct primaries for thirty-one years was 73 per cent of the average election vote for the same period.

In the Essex county, New Jersey, primaries last year, a larger vote was cast than in the preceding election for governor.

Under the old caucus system only 5,000 Republican voters took part in the primaries in Cleveland, Ohio, in 1892. Next year the direct primary system was established in the city, and 14,000 Republicans participated. That the great interest in direct primaries is not due to their own novelty is clearly shown by Cleveland, for the Republican vote at the primaries increased to 23,000 in 1896, 28,000 in 1899, and 31,000 in 1901, being then 95.5 per cent of the vote cast by the Republicans in the election which followed.

Governor Fred M. Warner of Michigan, in his inaugural address to the legislature this year, calls attention to the advantage gained under direct nominations through increasing the popular participation in primaries. In Michigan the direct nominations system is in force

only for certain localities and offices. Governor Warner says:

The greater the number of offices involved in the primary, the greater will be the interest of the voters therein. At the last primary in Michigan, 200,000 Republicans and 40,000 Democrats recorded their will.

A candidate nominated in such a primary where the vast majority of the enrolled voters actually express their preference, is forced to recognize that his responsibility is to these enrolled voters A candidate nominated in a convention created by indirect primaries, where only an exceedingly small percentage of the enrolled voters actually attend and vote, is forced to recognize as the sponsors of his candidacy the men who, by possession of all the strategic advantages, are able to control those primaries. This difference between the two systems cannot be disputed, even by those whose confidence in the voters is so small, or whose selfish interests are so great and compelling, that they prefer any system which will limit to a few persons participation in the choice of candidates.

(2) WHEREIN THE DIRECT PRIMARY IS SIMPLER THAN THE CONVENTION SYSTEM OF MAKING PARTY NOMINATIONS

Under the convention system there is a primary, followed by various meetings of delegates. Under the direct nominations system, except where a single convention may be assigned the duty of drafting a state platform, one day's primary election settles everything, and the whole cumbrous and expensive machinery of an out-worn system, with its delegates and conventions innumerable, is at one stroke, and with no loss to the community, abolished.

Enrolled voters, at present, go to the primary and caucus and cast their ballots for the party officers and for delegates to the Assembly district convention and to county, city, congressional district, senatorial district,

or judicial district conventions, as the case may be. The delegates meet in the Assembly district convention and elect delegates to the state convention. This is the usual roundabout system.

When Governor L. F. C. Garvin, of Rhode Island, wrote in 1903, "a strong party organization, covering every section of the state, entails a large expenditure, and the money comes chiefly from candidates and holders of lucrative offices and the beneficiaries of legislation," he had in mind such a cumbersome and expensive system as is made necessary under our present primary law.

An illustration of the uselessness of much of the machinery of this system was furnished when a direct vote was taken in certain New York City districts on the question whether Charles E. Hughes should receive the Republican nomination for Governor. The County Chairman considered the vote as instructions to the delegates. Why, then, should there be any delegates when we can in every primary secure the direct expression of the enrolled voters as to their choice for the nomination?

(3) HOW THE DIRECT PRIMARY MAKES THE EXERCISE OF CORRUPT INFLUENCE OVER THE NOMINATING PROCESS MORE DIFFICULT

It is easier to corrupt the few than to corrupt the many. It has never been demonstrated that the average integrity of the man who makes a business of politics is greater than the average integrity of the average citizen. Under the present system, men who have successfully made a business of politics and who control the nominations are the only ones necessary to be "seen" in order to get an undeserved nomination. Direct nominations, as has been shown, actually bring out to the primaries a large majority of the enrolled voters. This majority, voting directly for the party nominee, has been found more difficult to corrupt than the few who control the nominations under the present system.

Where there have been serious charges of corruption in the direct primaries, the fault has been the failure to place in the statutes proper provisions against corrupt practices, or with such weak provisions as appear in the laws of Wisconsin and Missouri, for example the participation of the voters of one party in the primaries of another party. In these two states (Wisconsin and Missouri) it is now being charged that the candidate of the majority was nominated in the primaries by purchased votes. These purchased votes included, it is claimed, practically all of the purchaseable element of the minority party, which went into the primaries of the majority party and there voted for candidates. The fact is that neither of these states has any such provisions regarding party enrollment as are now in force in the State of New York. We should retain these provisions under our direct primary and will extend them to such localities as have not the full benefits of this system under our present law. This is in accordance with the recommendations of Governor Hughes. Further safeguards against corruption at the direct primary are suggested in the following recommendations of the Governor:

That the Corrupt Practices act be extended so as to prescribe the expenses which may lawfully be incurred in connection with candidates for nomination and to ensure the publicity of all expense.

That the amount which may be expended by candidates for nomination be limited.

That generally, with such changes as may be necessary for adaptation, the safeguards of the law governing general elections be extended to primary elections.

FALLACY OF OBJECTIONS TO THE DIRECT PRIMARY

Never was the convention system abolished in any state without a severe struggle against the special interests intrenched by that system. So it is in New York; and the objections offered are in some cases so plausible that they have misled men whose sincerity is unques-

tioned. That there is no place, where direct nominations are used, any considerable sentiment for a return to the old system, while there is a nation-wide agitation for extending the system, is a clear indication of the fallacy of these objections. Yet it may be of advantage to take up in their order some of the points most frequently raised by opponents, and to show what evidence is obtainable bearing upon them.

(1) AS TO THE QUESTION OF EXPENSE

It has been charged that by making two campaigns necessary instead of one, and rendering these campaigns more expensive than under the convention system, the direct primary disbars the poor man in favor of the rich.

The general experience of other states fails to bear out this assertion. Governor Ford of New Jersey, in his annual message of January 12th, 1909, in which he recommends the extension of New Jersey's present direct primary law for local offices to include governor, congressman, delegates to national conventions and members of party committees, says of this assertion that it is "*false and absolutely untrue.*" To the same effect is the statement (quoted from *Collier's Weekly*, January 23, 1909) of Everett Colby, former state senator of New Jersey, "that the man who last received the Democratic nomination for state senator in his county won it against the Democratic machine with an expenditure of \$250; this in a county of 350,000 inhabitants, after an aggressive campaign." United States Senator-elect Joseph L. Bristow, who was nominated in Kansas last summer by direct primaries over Chester I. Long, the candidate of the railroads and the Republican machine, says in a letter to the New Hampshire Direct Primaries Association: "Campaigning before a primary can be made as expensive as the candidate is disposed to make it. Kansas is 200 miles wide and 400 miles long, has a population of 1,800,000 and is subdivided into 105 counties. Our

United States senator this year was nominated by direct primary. One of the candidates is reported to have expended \$25,000 and the other \$3,500. The one who expended \$3,500 was nominated. Of the two candidates for governor, one spent between \$6,000 and \$7,000, and the other about \$3,500, and the one spending the smaller amount was nominated." Of this same contest William Allen White, the well-known writer and journalist, speaking from personal observation, says: "His (Bristow's) opponent, Chester I. Long, had all the money that public service corporations cared to pour into the state, and yet Long failed." Mr. Bristow himself adds, in another letter: "It does not cost any more from the practical side of politics to appeal to the people for their support than to pay the expenses attendant to conventions."

Governor Noel of Mississippi bears similar testimony, as follows: "While primary elections involve an expense of travel, there is very little other expense. There were six candidates for governor in this state, and a canvass of fifteen months practically. My expense was about \$6,000. It need not have been over \$2,000, if the campaign had been limited, as it should have been, to about four months, and proper reports required." Ora Williams, Secretary to the Governor of Iowa, says: "The successful candidate for governor (in the recent primary election in Iowa) spent but a few hundred dollars." James A. Frear, Secretary of State of Wisconsin, says: "All of the present state officers in Wisconsin (who were nominated by direct primaries) are what would be known as men of modest means. *Their selection resulted from their attitude on public questions, or their legislative record in recent years.*" Professor John A. Fairlie, a recognized authority on public law, says in a letter: "In a hotly contested primary the necessary expenses well be greater than in a non-contested convention; and a good primary law

should contain restrictions on the amount and purposes of expenditure. Personally I succeeded in a direct primary (for the constitutional convention of Michigan) in a district covering two counties, with eleven candidates for three places, at a total expense of about \$25.00 for railroad fare."

These statements, and many others of which they are but a sample, prove conclusively that *the man of limited means is not debarred by the direct primary from obtaining nomination for, or election to, public office.*

Nor is the advantage of wealth greater than under other systems. What benefit did Senator Long derive from his heavy expenditure before the Kansas primaries? His opponent was nominated after spending one-seventh as much. In Washington, Senator Ankeny, the millionaire lumberman, was defeated for re-nomination by Wesley L. Jones, a comparatively poor man. Senator-elect Johnson, of North Dakota, is a farmer of moderate means, and spent almost nothing in his campaign for nomination. His three competitors are said by him to have spent at least \$250,000 without avail. The chief instance to the contrary, relied upon by the opponents of direct primaries, is that of Senator Stephenson in Wisconsin; yet as a matter of fact this case has no bearing on the question of direct primaries in New York state, and for the following reason: Wisconsin has no law limiting the amount which may be expended by a candidate for nomination. In New York, on the other hand, Section 41z of the Penal Code provides that no candidate shall expend "for any purpose tending in any way, directly or indirectly, to promote, or aid in securing, his *nomination and election*," more than a certain specified amount, fixed by the act according to the office for which he is running. Moreover, the direct primary law itself, as outlined by Governor Hughes, would still further regulate the amount which might lawfully be expended in connection with candidates for *nomination*.

Such a remedy has now been recommended for Wisconsin by Governor Davidson. Furthermore, it is charged that Senator Stephenson's enormous campaign fund was largely spent on corruption, and this charge is being investigated by the Wisconsin legislature. It is true that to control a direct primary by corruption, when possible, is vastly more expensive, as well as more difficult, than to control an indirect primary by the same means.

The critics who dwell upon the alleged expensiveness of campaigning under direct primaries neglect to mention either the *amount*, the *source* or the *character* of the expenses under the present system. First, as to the amount and the source Governor Warner of Michigan says in a letter: "I am certain that I speak within bounds when I state that there was a contest for the nomination of governor in Michigan a few years ago under the convention system, when more money was expended than will be used in the next ten years under the direct voting system." In his inaugural address to the General Assembly, January 12th, 1909, Governor Kitchin of North Carolina urges the adoption of regulated direct primaries in place of the present unregulated convention system, and says: "*It ought to diminish the expenses of campaigns for nominations. Should such expenses for legitimate purposes increase as they have increased in recent years (under the convention system) it will soon be that none but a wealthy man can hopefully aspire to our higher offices unless others pay his campaign expenses for the nomination.*"

What are some of these expenses under the convention system? Disregarding its peculiar liability to improper expenditures, and enumerating only such as it legitimately entails, there are first of all those incident to the campaign for the election of delegates from all parts of the state or district. Then there are the clerical expenses required to plan and arrange for the convention. Above all, there are the heavy expenses

connected with the convention itself—the railroad fares of the delegates, their hotel accommodations, the rent of the convention hall, the printing, telephoning and telegraphing, and finally the decorations, music and miscellaneous entertainment provided. These things are never managed economically. Who pays for them? “The party organization,” someone may answer. Yes, but where does the party organization get the money? Some light is thrown upon this question by the records of the Mazet Committee in 1900, where it was shown from sworn testimony that 28 judges had paid from \$1,500 to \$12,000 apiece—in some cases the equivalent of a year’s salary—to various party organizations and campaign committees, for the purpose avowed or understood, of obtaining nomination.

All campaign contributions by candidates for *judicial* office have since been forbidden by section 41z (b) of the Penal Code, but the very fact that it was thought necessary to pass this law, and the law above mentioned, limiting the campaign expenses of *all* candidates, indicates that the cost of the convention system, nominally paid by the party organization, really falls in large part upon those seeking nomination. Nor can the expenses of a candidacy for nomination under this system properly be gauged merely by the amount paid out by the aspirant prior to his nomination. A large proportion of the party campaign fund, out of which the various expenses above specified are defrayed, is obtained from office-holders. Forty per cent of the Democratic campaign fund in New York county in 1907 was contributed from this source. Now if dependence upon the party organization for nomination subjects a man, after his election to office, to these periodical contributions, which are to be used in large part for the payment of other men’s nomination expenses, it is evident that the real cost to him of his own nomination at present is far greater than at first appears. May it not fairly be

assumed that he would spend less in the long run under a system which at one blow relieved the party of the necessity of holding conventions, placed the whole cost of primary elections upon the state, and made the candidate indebted for his nomination, not to the organization, but to the party at large?

As to that portion of the expense of nomination under the convention system which in no way falls upon the candidate, but is actually paid by the party organization, is it any advantage, looked at from the broadest point of view, that it should be so paid? When a candidate pays the whole cost of his nomination himself is he apt to be more, or less, independent than if part of that cost is paid by an organization, the finances of which, as well as the control of nominations, are in the hands of a small, irresponsible group of men? It is no argument to say that, in any event, the expenses of a candidate's campaign for *election* are partly paid by the party, for in this latter case he is the chosen representative of the party, and, as such, entitled to its assistance. As a candidate for *nomination*, on the other hand, he is merely an applicant for this representative position, and if any portion of his expenses in this capacity is paid by the party the result is merely to render him the more indebted to the little group of men from whom his nomination emanates. Governor Kitchin, of North Carolina, continuing the passage from his inaugural address above quoted, says: "*If others pay his (the candidate for nomination) expenses, he will feel under obligations to them, and will not be in a position to render the people his best service, especially in matters involving doubt as to the path of public duty. The public should insist on having every official free from obligation for his nomination for office except to the people.*"

As to the sources, other than candidates and office-holders, from which the party organization itself de-

rives the money with which to pay the expenses of nominating conventions, Mr. Everett Colby is reported by *Collier's Weekly* to have said: "It is better for a poor man to stump on the streets, speak from cart-tail or soap-box, or make a house-to-house canvass, than to have him elected by money furnished by corporations or by wealthy and interested individuals."

Finally, as to the *character* of the candidate's expenses under the convention system and the direct primaries system respectively—which is of more benefit to the community as a whole, that huge sums of money should be wastefully and extravagantly spent for party conventions, and objects incidental thereto, or that similar amounts should be disbursed by the candidates for nominations themselves, in traveling about making speeches, and in printing and distributing literature in advocacy of their claims? Which form of expenditure is of greater educational value? Here, as elsewhere, one must have in mind, not conventions as they might possibly be, but conventions as they unfortunately are; and to suggest that the state conventions of recent years have exercised over the people at large an educational influence of any sort, save perhaps as horrible examples, is little short of ludicrous. On the other hand, anything which forces candidates for party nomination to go about among the voters and attempt to convince the latter that they should be elected, not only brings the candidates into closer touch with popular needs and desires, but extends to the preliminary campaign for *nomination* those educative features which are so often praised in connection with the campaign for *election*.

(2) AS TO REPRESENTATIVE GOVERNMENT

The argument is advanced that direct primaries are a blow at representative government. The truth is exactly the reverse. Even if the delegates to nominating conventions were chosen by the voters with as much care as would be exercised in the election of candidates

for office, and were free to exercise their untrammelled judgment—neither of which assumptions is in line with the notorious facts—nevertheless, the candidates chosen by these delegates are, at best, indirectly representative of a small fraction of the party, whereas those chosen by direct primaries are directly representative of the masses of the enrolled voters who participate in the choice.

As to the *principle* involved, the following passage—from Governor Hughes' speech at the dinner of The Hughes Alliance, New York, January 22nd, 1909—is conclusive:

Representative government is government through representatives. We choose officers to do for us what we cannot do or do not think it wise to undertake, ourselves. For example, we cannot well make our laws directly, and so we elect legislators to make them for us. We cannot as a people at large execute the laws and so we select executive officers to represent us in their execution. We cannot in an assembly of the people decide judicial controversies, and so we choose judges to represent us in deciding cases.

But we do not elect men to choose our governors and our mayors and the members of the legislature for us. We elect our governors, our mayors, and our legislators direct. They are chosen by direct vote of the people. These officers are none the less representative, and we have none the less representative government, because we choose them by direct vote. If any one were now to propose that we should elect a body of men to choose our governor for us we would laugh at him. If any one saw fit to argue that this was necessary to the maintenance of representative government we should think the argument ridiculous.

Now, if we elect a governor by direct vote of the people, how is it a subversion of representative government for the enrolled voters of a party to choose their candidates for Governor by direct vote? If we select an assemblyman in an assembly district by direct vote of the voters in that district, why should not the members of the party in that district decide directly who should be their representative as a candidate for the assembly? Is the one any the less representative government than the other?

The candidates of a party are the party representatives in running for office, as the elected officer is the representative of the people in discharging the duties of the office. If we are to make party government analogous to the general government then we should elect the party representatives by the direct vote of the members of the party.

(3) THAT STATE-WIDE DIRECT PRIMARIES FAVOR
POPULOUS CENTERS AS AGAINST RURAL DISTRICTS

This argument, in various forms has been used, perhaps, more widely than any other, to discredit Governor Hughes' recommendation of a direct primary law for New York state. The statement has been made by almost every opponent of the system that such a law, if adopted here, would result in New York City, Buffalo and Rochester's obtaining all the state offices, and controlling state offices, and controlling state elections, to the exclusion of the smaller cities and the rural districts.

Actual experience does not warrant any such assertion. Governor Warner of Michigan, says in a letter: "This statement that the primary system of making nominations favors the populous centers as against the scattered rural populations is not borne out of experience here in Michigan. At the last primary election there were three candidates for the Republican nomination for Governor. My chief opponent as well as myself reside in villages of less than one thousand population, while the candidate who received the smallest vote lives in the city of Detroit." The Hon. M. M. Beck, of Holton, Kansas, editor of the *Holton Recorder*, writes: "Eastern Kansas is thickly populated, western Kansas sparsely. In the western part of the state many large counties have only from 400 to 1,000 voters, and there is no special kick coming from western Kansas. The primary law is as popular there as in the more densely populated districts." F. S. Jackson, the attorney-general of Kansas, bears similar testimony as follows: "The primary system does not favor populous centers any more than the convention system; in fact, not so much, as under the convention system the populous centres are given very large representation. The delegates are usually chosen according to the dictates of party bosses, and, when assembled in convention, they have every opportunity for trading and arranging to cast the vote of all the

populous centres together to defeat the rights of the rural population." Senator-elect Joseph L. Bristow, of Kansas, bears similar testimony: "In our state the primary did not favor the populous centres. The man best and most favorably known will receive the votes of the people, regardless of the section of the state in which he may live." In support of this statement it may be noted that, of the eight principal state officers nominated by direct primaries and elected last fall, six came from cities or towns of less than 3,000 inhabitants, one from a city of 4,851 inhabitants, and one from a city of 10,862 inhabitants. The five largest cities of the state are not represented on the state ticket.

Secretary of State James A. Frear, of Wisconsin, writes as follows: "In Wisconsin, Milwaukee, the metropolis, has over 300,000 inhabitants. The second city, Superior, has approximately 40,000. Of the five state officers elected under the primary election only two, the Lieutenant-Governor and Attorney-General, represent cities of over 5,000 inhabitants, and several of the state officers come from still smaller communities. The unsuccessful candidate for Attorney-General was from Milwaukee."

Of the 21 governors, now in office, who were chosen by direct primaries, six come from towns of less than 1,000 inhabitants, six more from cities or towns of less than 5,000, four from cities of less than 20,000. This makes sixteen out of twenty-one who come from cities of less than 20,000 inhabitants. Of the remaining five, one comes from Birmingham, Ala., population 38,415; one from Portland, Oregon, population 90,426; one from Memphis, Tenn., population 102,320; one from Kansas City, Mo., population 163,752; and one from Chicago, population 1,698,575.

These statistics, which were furnished by the Secretaries of State of the several states above mentioned, are a conclusive answer to the assertion that, under the

direct primaries system in New York, all the state officers would go to the large cities, and the country districts would be left unrepresented.

The sudden solicitude of convention system politicians for the country voters has its amusing side in this state. One would suppose that the conventions at present were usually strongly influenced by the country delegates, and that the tickets nominated contained at least a reasonable number of rural candidates. If, however, we look at the Republican state ticket of 1908, nominated by a state convention, we find, as shown by the foregoing table, that the candidate for Governor came from New York City, the candidate for Lieutenant-Governor from Syracuse; the candidate for Comptroller from Albany; the candidate for Treasurer from Rochester; the candidate for Secretary of State from New York City; the candidate for Attorney-General from Buffalo. Has the rural voter ever heard of these obscure hamlets? The only candidate who came from what might be called the rural portion of the state was the State Engineer and Surveyor.

Who are the leaders in the deliberations of state conventions? Those who control the machines of New York City, Buffalo, Rochester, Syracuse and Albany. A little reflection will further reveal to the fair-minded reader the fact that the cities tend to produce powerful political machines far more than do the country districts, and that any system which ensures to these machines the control of nominations, is not a system which has at heart the interests of the rural portion of the state.

If, then, it is the proved experience of the other states that the large cities enjoy no preponderance in the *distribution of offices*, why should not the same hold true in regard to the *general control over nominations*? Any expectation of a contrary result must rest almost exclusively on the unsupported assertions of those party leaders who are opposed to direct primaries.

“‘Large centers of population would dominate primary elections,’ says Mr. Wadsworth. *So they would at the general election if they voted as a unit. But large centers of population do not vote as a unit, at the general election, and neither would they—at the primary elections.* Big cities probably have a greater influence under the convention system than they would have under the direct nomination system; New York county, with Erie, dominates Democratic state conventions. Tammany dominates New York City Democratic conventions. New York county is not without influence in Republican state conventions, as the effect of Representative Parsons’ successful support of Governor Hughes at the last two conventions proves. If Tammany has a bare majority of the Democratic votes in this city, it casts the whole strength of the city in a Democratic state convention. Under the direct system, if Tammany had only a bare majority, almost half the party votes of this city could co-operate with anti-Tammany elements in the rural districts. *The Anti-Tammany Democrats in this city are voiceless now.* Under the direct system they would be effective in the measure of whatever strength they possessed. This illustrates the fallacy of the Speaker’s argument.” (Quoted from an editorial in the *New York Tribune* of February 8th.)

What the direct primaries system will really prevent is the present dickering as to these nominations among party bosses, and their geographical distribution between the several local organizations on the same basis as appointive patronage. It may well be that under direct primaries some leaders will secure fewer offices for their henchmen than under the present system, but the average voter will shed few tears over such a result.

(4) THAT “PLURALITY NOMINATIONS” ARE UNFAIR

The argument that the direct primaries system is unfair because it permits the selection of candidates by

a mere plurality of the party, has a strange sound as coming from the lips of those who support the present method. If it is such a dire evil—an evil that must be prevented at all costs—that something less than an absolute majority of the enrolled party voters shall be able by direct vote to select the party candidate, what shall be said of a system under which two or three per cent of these enrolled voters in a bare majority of the election districts can name the delegates to each Assembly district convention, and a bare majority of these Assembly district conventions can in turn choose delegates to the state convention, and a bare majority of the delegates so chosen to the state convention can finally have the privilege of registering the decision previously arrived at by a dozen men in a back room! To what extent the average nomination under this system can be regarded as a nomination by the majority of the party, the reader may decide for himself. Instead of rejecting the direct primary because it fails to ensure the ideal result, namely, that all nominations shall represent the actually expressed will of a majority of the enrolled voters, we should rather hail it as the method above all others by which, under actual conditions, this ideal may be most nearly approximated!

Approach the question from another standpoint. Why should one condemn in the case of the *primary* election a criterion of popular choice that for years has been all but universally accepted as decisive at the *general* election? If a plurality of the people's votes may elect a man to public office, why should a plurality of his party's votes be insufficient to elect him candidate for that office?

(5) THAT DIRECT PRIMARIES WOULD PREVENT
"FUSION," AND THE NON-PARTISAN NOMINATION
OF JUDGES

A careful study of the facts fails to disclose any foundation for the above assertion. What is the one

controlling influence which first prompted, and has more and more frequently compelled, the party leaders to adopt this policy in regard to judicial nominations? What force has generated such widespread discontent with a dominant machine as to break down the traditional partisanship of majority party leaders, and unite them with independent organizations in a "fusion" campaign? Obviously the answer is to be found in *the development of public opinion*. The party "leaders" have not been the leaders in this movement. Their desire has been for a straight ticket victory and for the distribution of nominations on the basis of services rendered to the party organization. It is not they who have educated the people to disregard party lines, for the sake of independent judges or honest city government. It is an increasingly enlightened public sentiment which has wrung from them a tardy and reluctant recognition. Would the direct primary system—increasing, as it does, the *popular share* in the nominating process, and reducing to a minimum the opportunity of narrow-minded partisanship to obstruct the operation of public opinion—be apt to *decrease* the frequency of non-partisan judicial nominations or fusion tickets? Would it not rather *increase* the likelihood of such enlightened action?

It is perfectly possible to provide in a direct primary law that a candidate for judicial or other office may have his name placed by petition on the primary ballots of all parties.

At least a portion of the press may be trusted to bring the facts in regard to such candidacies to the knowledge of every man who reads and who takes the slightest interest in electoral campaigns. The ultimate decision, then, rests with the voters, and provided only that the situation be clearly brought to their attention, the friends of good government will be content to leave the result in their hands.

Mr. Charles H. Young, President of the Republican

Club of New York City, spoke, in a recent address, as if a direct nominations law would make it impossible for party leaders so to control the action of their obstinate and blindly partisan followers as to prevail upon the latter to vote for a candidate of the opposite party. On the contrary, it will leave the average party voter—who sets far less store by regularity than does the average party leader—free to follow that course which the *real* leaders of opinion in the community are constantly making more familiar and more acceptable to him. Under direct primaries it might not have been possible for Pat McCarren against the protests of all the newspapers—to turn down Judge Blackmar, a Republican, and nominate his personal counsel in his stead. The fact that Blackmar and Stapleton, the non-partisan candidates, were chosen on election day, proves that the people of Brooklyn were more to be trusted in such matters than the party bosses. The only sort of “fusion” which direct primaries will render more difficult is that which Speaker Wadsworth described—either unwittingly, or because it was the only sort with which he was familiar—namely, “fusion” based on a division of the offices between the contracting party machines. The value of this sort of thing was well illustrated by the fate of the Hearst-Republican “fusion” ticket in the New York City election of 1907. However good the intentions of the Republican leaders may have been, their campaign was based on a *bargain* rather than on a *principle*. The loss of this type of “fusion” will be of little moment to the community.

(6) THAT DIRECT NOMINATIONS PERMIT THE VOTERS
OF THE PARTY TO PARTICIPATE IN THE PRIMARIES
OF ANOTHER

In closing we may consider for a moment the argument that under the direct primaries system, the voters of one party are given an opportunity to take part in

the primaries of another, for the purpose of forcing upon the other a weak or unfit candidate. In support of this assertion it is urged that in Missouri last fall, the purchasable element in the Republican party, by participation in the Democratic primaries, succeeded in defeating Governor Folk for the nomination for United States senator in favor of William J. Stone. Similar unfortunate results, it is said, have been experienced in Minnesota and in several other states. In order to demonstrate, however, the utter irrelevancy of this "argument," it is only necessary to call attention to the fact that there are two kinds of direct primaries—the "*open primary*" and the "*closed primary*." Under the "open primary," which is the system in force in the states above referred to, the voter who desires to take part in a primary election on entering the polling place either asks for the party ballot, which he wishes to have given him, or in other states, is given a "blanket ballot," containing (as do the ballots at general elections in New York) the primary tickets of all the parties; or, in still other states, is handed a packet containing the separate primary ballots of all the parties, and instructed to use whichever ones he wishes, and leave the rest in the voting booth. *According to all of these methods, each voter may vote for the candidates for nomination of any one party, (though obviously not for those of more than one), and no attempt is made to prevent Democrats from taking a hand in Republican nominations, or vice versa.*

It is not, however, any of these forms of the "open primary" which Governor Hughes has recommended for New York state. It is the other system—the "*closed primary*"—which he advocates.

Under this system participation in the primaries of any party is limited by law to the members of that party. As in the case of the "open primary," however, more than one form of the "closed primary" is possible, the difference consisting in the *method by which party membership is determined.*

Under one form, there is no party enrollment, such as we are familiar with in New York state, but the voter, on entering the polling place at the primary election, is asked which of the several party primary ballots he wishes to have given him. He must answer in a good voice, and if any person present has reason to suppose that he is trying to obtain the ballot of a party to which he does not belong, such person may challenge him and compel him to take an oath as to his party allegiance. This provision has often been found inadequate to prevent the members of one party from participating in the primaries of another.

The second form of "closed primary"—the form which Governor Hughes recommends—is one under which the same method of party enrollment which is now in use in New York State for the *indirect* primaries would be applied to *direct* primary elections. *Under this form of "closed primary" no voter could participate—any more than under the present convention system—in the primaries of any party of which he was not a duly enrolled member.* It is thus obvious that the argument against direct primaries, which might have some force as applied to the "open primary," or to the "closed primary" without party enrollment has absolutely no bearing upon the direct primary law recommended by Governor Hughes.

BRIEF EXCERPTS

The primaries draw a far greater number than would be attracted by elections to name delegates to conventions.—*Governor A. V. Donahey. Cleveland News. October 26, 1926.*

There seems to be a general agreement that the vote cast in a direct primary is, as a rule, greater than in a primary for the choice of delegates.—*Charles E. Merriam. Primary Elections. p. 117.*

There is no doubt that the whole election process has been lifted to a higher plane during the past fifty years. . . . There are political bosses still, but they do not appear to be as mighty as the men of old like Marcus A. Hanna, Matthew S. Quay, Boies Penrose, and Richard Croker.—*Charles A. Beard. American Government and Politics. Fourth edition. 1924. p. 556-7.*

No Englishman who remembers American politics as they were half a century ago . . . will fail to rejoice at the many signs that the sense of public duty has grown stronger, that the standards of public life are steadily rising, that democracy is more and more showing itself a force making for ordered progress.—*James Bryce. Modern Democracies. Vol. 2, p. 165.*

The idea of the fellow who wants to repeal the direct primary seems to be to make corruption safe—and cheaper. I think the primary is a guarantee of an exposé of the illegitimate use of money. Under the old system nobody knew anything about it. Under the direct primary it is known and can be dealt with if the people want to.—*William E. Borah. New York Times. October 14, 1926.*

The charge that the primary system is responsible for the orgy of spending in the Pennsylvania and Illinois primaries cannot be applied to Ohio. The fault in those states was not in the primary but in defective election laws which failed to put adequate limitations on the amount of money which could be spent by a candidate.—*William B. Woods. Greater Cleveland. 2:4. September 15, 1926.*

Politicians of an older day used to delight in telling stories about the ways of party managers and nominating conventions. After a boss had got the whole "state" fixed, except for one or two minor places, he would mag-

unanimously propose to "leave to the convention" the nomination of a State Engineer or a County Coroner. This was regarded as an excellent joke.—*Editorial. New York Times. September 21, 1926.*

The typical state-wide direct primary law in this country provides for plurality nominations. Under such a law the candidate who receives the highest number of votes, whether this number is a majority or not, secures the nomination. The operation of the primary law so far has shown that this plurality is an actual majority in by far the greater number of cases.—*Benjamin H. Williams. Annals of the American Academy. 106:111. March, 1923.*

If the failure to vote at the primary justifies its abolition, then for the same reason the electoral franchise should be abolished since less than fifty per cent of the eligible citizens voted at the presidential election in 1924. The lack of public interest in our politics and our government, characteristic of our life since the world war, has affected the direct primary in no greater degree than other functions of citizenship.—*William B. Woods. Greater Cleveland. 2:3. September 15, 1926.*

It is a remarkable thing and an astonishing coincidence that every individual who expends illegitimate funds, every individual who profits by illegal expenditures and every individual who belongs to a faction which seeks to spend money illegitimately are in full cry against the direct primary today. The very men who have been guilty of venality in an attempt to purchase an electorate and who have not succeeded use their own venality as an argument against an electorate selecting their own nominees.—*Hiram W. Johnson. New York Times. October 14, 1926.*

Primary election returns received to date from thirty-five States making nominations for State-wide offices in-

dicating the largest primary election vote in the country's history. In upward of a dozen states the primary election vote this year was larger than the vote for President in 1924. This is unusual. Frequently the primary election poll is less than 50 per cent. of the registration. Pennsylvania and Wisconsin stand out as instances of a primary election poll far above ordinary, but they by no means stand alone in that regard.—*New York Times*. October 24, 1926.

The results which have followed the adoption of the popular primary (in Wisconsin) show that the trouble in America is not with our people, as we have assumed, but with the tools with which we are compelled to work. Only the boss can gather all the strings of the convention system in his hands, and with money, place, and personal influence direct the complex machinery to its ends. The boss has become a tradition in Wisconsin, as he is rapidly becoming in other states of the Union which have adopted some form of primary nominations.—*Frederic C. Howe*. *Wisconsin on Experiment in Democracy*. p. 51-2.

Here and there, under the primary system, a rich candidate, or a candidate representing rich interests, will attempt to buy offices thru the expenditure of huge sums of money. But we still have jails and penal institutions for such candidates and for such backers, and the moral atmosphere of communities will be far more healthful when jails are more generally filled with men of that stamp. The fact that crooked politicians sometimes attempt to violate the primary law is, in itself, rather convincing evidence that the law is a curb on crookedness. Under the convention system it is not necessary to violate a law, for it permits the corrupt politician to go about as far as he likes.—*Editorial*. *Cleveland Press*. October 27, 1926.

It was money more than anything else, that killed the nominating conventions. The reign of the old-time

monied bosses—always supplied with unlimited funds by the interests seeking the inside hold on the government—is too recent to have been forgotten. As long as interests insist on spending large sums to secure the nomination of their own choice let us have the expenditure out in the open at primary elections instead of secretly in connection with boss-controlled conventions. The primary has broken the power, glory and prestige of old political bosses, who, in their day, had the influence of kings. We don't want a restoration of such kingdoms.—*Governor A. V. Donahey. Cleveland News. October 26, 1926.*

I believe in providing for direct nominations by the people, including therein direct preferential primaries for the election of delegates to the national nominating conventions. Not as a matter of theory, but as a matter of plain and proved experience, we find that the convention system, while it often records the popular will, is also often used by adroit politicians as a method of thwarting the popular will. In other words, the existing machinery for nominations is cumbrous and is not designed to secure the real expression of the popular desire. Now, as good citizens we are all of us willing to acquiesce cheerfully in a nomination secured by the expression of a majority of the people, but we do not like to acquiesce in a nomination secured by adroit political management in defeating the wish of the majority of the people.—*President Theodore Roosevelt. Address to the Ohio Constitutional Convention. 1912.*

The convention soon ceased to be representative of the people who chose the delegates. In the hands of unscrupulous political leaders and party bosses it became the tool for their selfish purposes. It was used by them to reward the faithful, punish the insubordinates, promote the selfish interests of financial groups, and place the highest officers in the state and nation under personal

obligations to those who, for the time being, were in power.

The delegates were handpicked by the party bosses. They were bought and sold for hard cash. They did not represent their constituents—"they were as sheep before the slaughter so they opened not their mouths"—except to vote as they were told. They were not delegates—they were mere dummies. That is why the convention became so unpopular.—*Mayo Fesler. National Municipal Review. 15:524-5. September, 1926.*

I am for the direct primary, horse, foot, and dragoons. It is not a perfect guaranty of good government—there is no such thing yet in this unfinished world. But it gives the people a real chance to make their will prevail, which the machine ruled and run convention system does not. Doubtless we shall improve upon it in the future, but the direct primary is the best way we have found up to date.

The convention system is the bosses' delight. Under it women have no chance. The primary is the open door for their most valuable influence to enter politics. Under the convention system the candidate without machine backing is beaten before he starts. The primary gives him a look-in. Under the convention system the only power that can clean up a party is the other party. Under the primary it is possible to clean up from within.—*Gifford Pinchot. Collier's Weekly. 73:9. March 29, 1924.*

The primary is only second in importance to the election itself. The voter is limited in his choice to the candidates named on the ticket, and the naming of the candidates is, therefore, a matter which must be guarded with care. The age of the boss is passing and there is a continuing advance here and throughout the world toward the popularizing of all the methods of the government. If it be true that governments derive their just

powers from the consent of the governed, it necessarily follows that parties derive their just authority from the consent of the voters of the party. Legislation should be authorized which will guarantee to the voters the right to control the selection of the candidates who are to enjoy the distinction of representing the party, and provision should also be made for nomination, by petition, of those who desire to run independent of the party organization. —*William J. Bryan. Address before the Ohio Constitutional Convention, March 12, 1912.*

As a result of the failure of the convention system generally, the direct primary movement swept the country until thirty-six states abandoned the convention and adopted direct primary laws. Among the leaders in this movement were Charles Evans Hughes, Woodrow Wilson and Theodore Roosevelt.

Roosevelt said to the Ohio constitutional convention in 1912:

"I believe in providing for direct nomination by the people—not as a matter of theory, but as a matter of plain and proved experience."

Charles Evans Hughes, while governor of New York, opposed the old party convention plan because as he said:

"In practice the delegates to these conventions are generally inanimate pieces on the political chess board."

Woodrow Wilson declared that "The direct primary should be extended to every elective office."—*William B. Woods. Greater Cleveland. 2:5-6. September 15, 1926.*

To return to the old convention system with its Lorimer, Platt and Hanna complexes is tantamount to saying to the electorate that it does not know how to cast an intelligent ballot and that the political bosses are and should be the keepers of the people's conscience. The fault does not lie in the quality of the vote cast, but in

the disgustingly low quantity. Citizens are not exercising their right of suffrage. They are content to allow a few to do their thinking for them. As long as this apathy exists the primary will be just as corrupt, just as impotent in expressing popular will as the convention system. Revelations of corruption in the Vare and Smith primaries is no reason why the primary system should be scrapped, but it is a beacon of alarm which should be heeded by all voters. If the voter does not take enough pride in the conduct of his government to cast his ballot, the primary is hopeless, the convention system is hopeless, and a corrupt government is what the people deserve.—*Edward I. Edwards. New York Times. October 14, 1926.*

NEGATIVE DISCUSSION

DEFECTS IN THE DIRECT PRIMARY¹

The most significant fact revealed by a study of the direct primary is that one cannot carefully view it in theory and practice from its various angles without a hesitating skepticism as to its merits and defects. Concerning no political question is thoughtful opinion more divided. Though this great experiment in popular control has been in operation under our very eyes for three decades, the conclusions concerning its virtue vary from a faith which sees in it the near approach of the political millennium, to a pessimism which foreshadows the end of the present form of democracy. Neither has public opinion nor have legislative bodies come to any definite conclusions concerning the value of the primary as an agent to bring government nearer the people.

New York, one of the first states to adopt the direct primary idea, has returned to the convention system for the nomination of candidates for the United States Senate, for elective state officers and for justices of the Supreme Court; while representatives to Congress, to both branches of the state assembly, to county and city offices are still chosen in general at the direct primaries. Opinion as to the wisdom of this change is as diverse as the methods of nomination itself. Idaho has tried the direct primary, found it wanting and has returned to the convention system for state officials with apparently general satisfaction in the return to the simpler method. Limitations upon space forbid an extensive account of the recent changes in the states, but it is safe to say that

¹ By Karl F. Geiser. *Annals of the American Academy*. 106: 31-9. March, 1923.

at present in most of the states where the direct primary has been state-wide and applying to all elective offices within the state, there is a general movement to return to the convention system either for general state and judicial offices, or for a modification of the law in some form toward a deliberate process such as a convention affords.

Nor can it be truly said, as many writers assert, that the opposition to the primary comes almost entirely from the politicians or machine men of the party. It varies with the state and the interests affected. In South Dakota we have perhaps the best example where the politicians and the machine organization have attempted to defeat the will of the people. There a struggle of eighteen years against the machine resulted in what seems to be a victory for the politicians, for during that period four direct votes of the people in favor of a real direct primary were as often set aside by political manipulations of doubtful methods and even by court decisions. But to say that opposition to the direct primary always or even generally comes only through sinister influence, is to simplify the problem beyond recognition and come to conclusions that a study of the undercurrents of the movement does not justify.

REASONS FOR OPPOSITION TO PRIMARY IN CALIFORNIA

A summary of opinions collected last summer from some of the most representative and thoughtful men and women in various parts of California, where the primary idea in some form has been in operation for half a century, stated in general terms, bases opposition upon the following facts:

- (1) that it lowers party responsibility;
- (2) that it breaks down the party-government principle;
- (3) that it is too expensive;

- (4) that the campaign extends over too long a period of time, thus taking too much time of candidates seeking re-election that should be devoted to the duties of their office;
- (5) that it results in government by newspapers, and,
- (6) that it creates a ballot that makes intelligent voting impossible.

All of the above are valid reasons for opposing the direct primary; and, it may be said in passing, too little attention has been given by those interested in good government to these phases of the problem, for they involve principles that are fundamental. Moreover, one may readily admit that opposition to a defective device or system, adopted to secure popular control of government, does not imply a desire to return to a former system equally bad. But the first essential to any improvement of present conditions is a recognition of the terms involved in the problem. With this in mind, I shall attempt in this paper to deal with principles rather than with statistics of votes, employing the latter only by way of illustration.

WHEREIN THE PRIMARY HAS FAILED

But whatever the defects or merits of the primary have been or may be in securing party responsibility and through it government responsible to the people—a *sine qua non* to all good government—it is not likely that the present primary laws will be generally repealed and the convention system in its old form adopted in its place. Of some things, however, we may now speak with comparative certainty. The primary has not fulfilled the expectations of its early advocates; it has not brought forward better candidates in general; it has made elections more expensive; it has not increased the popular interest in elections to the extent that was anticipated; it has not rid our political system of the boss; it has made it easier

for the demagogue; it has degraded the press; and most important of all, it has, by adding a long list of names to the ballot, made it impossible for even the most intelligent and conscientious citizen to express a discriminating choice at the primary polls.

THE PRIMARY BALLOT IN CLEVELAND

Why, one is inclined to ask at the outset, even discuss the question of party responsibility or quality of candidates, or any other question pertaining to popular control of government, when the chief agency through which the voter has access to his political institutions is so cumbersome that he cannot operate it? Why theorize concerning the results of a system which in fact cannot be applied to the purpose for which it is intended? For example, in the last Ohio primary (August 8, 1922) the voter of Cleveland who received the Republican primary ballot was asked to choose candidates for 43 offices from a list of about 175 names. The choice included one candidate for governor out of a total of nine candidates; one lieutenant-governor out of eight candidates—in these offices not an impossible task; but it also included a selection of six senators out of twenty-four candidates, and sixteen representatives out of eighty candidates; and in both of these cases obviously an impossible task was imposed, when one considers the total number of names on the ballot and the five-minute time limit that may be imposed upon each voter in marking the ballot. While the illustration here given is taken from the largest city in the state, similar situations present themselves in Cincinnati, Toledo, Columbus and Dayton; and in village and rural communities the difference in favor of a more intelligent vote is one of small degree.

IN THE VILLAGE OF OBERLIN

A somewhat extensive personal inquiry among the voters in the village of Oberlin, having a population of

about 5,000, revealed the fact that not a single voter who was asked whether he had been able to make a discriminating choice for every office on the primary ballot answered in the affirmative; not even the members of the party committee, though their knowledge of the candidates was more extensive than that of the average voter, could give adequate information concerning all of the names on their own party ballot. These are facts that must be faced in every consideration of the question of party responsibility, and in every attempt to bring government more directly under popular control; for the conditions imposed by these facts must be overcome before even the most enlightened electorate can gain access to those who control and administer the institutions and laws of a community or state.

PARTY RESPONSIBILITY

Party responsibility seems to have been lessened by the fact that in destroying the power of the machine it has taken the core of the party. This is shown by the practical disappearance of the Democratic Party from Wisconsin, where the political contest is now waged between the Progressives headed by La Follette and the old-time Republicans who were defeated in the last primaries. It has also lowered party cohesion and therefore responsibility, by taking from the organization the power of selecting candidates, thus causing a general loss of interest in the final outcome of election. When every one may easily become a candidate, interest wanes by the mere fact of numerous names of uninteresting and commonplace candidates who appeal neither to the imagination nor the intelligence of the average voter. The professional politician who runs for office makes an appeal to party loyalty through methods which, however unethical or degrading they may be, at least make for party spirit and devotion to the cause of an historic tradition connecting itself with Lincoln or Jackson.

EFFECT ON PARTY ORGANIZATION

The very idea, in fact, of the primary is based upon a revolt from the organization. In the very nature of the case, where the organization does not select the candidates it does not and cannot be held responsible to the voters for the quality of candidates selected, nor for their faithful performance of duty while in office. From an extensive inquiry among practical politicians, from those who favored and those who were opposed to the primary, I have found a general agreement to the effect that the primary **tended to break up parties**, weaken the party organization and therefore to dissipate responsibility. That this is true may be seen from the fact that where a candidate is strong enough to get himself nominated against the wishes of the party organization, he invariably appeals not only to the voter of his own party, but also to the independent and even the opposition party. Thus in the last election in Ohio, a candidate for the General Assembly who received the nomination on the Republican ticket at the primary, sent one of his workers to a Democratic political meeting to appeal for votes. The fact that such a candidate is refused the endorsement of the party leaders in the machine organization necessarily makes for non-cooperation.

IS THE PARTY SYSTEM DOOMED?

An important question then, in view of actual operation of nominating methods, is whether party organization and the party idea of government still have that sustaining virtue claimed for them which enables the average voter to get access through the party to the political institutions of the country, which in theory he is supposed to control. There are those who frankly say that the party system in the old sense is doomed and that some other institution or system will take its place. Nor is such a position without reason. There are evidences at

hand to support this view in every country where the party system prevails; and while a general discussion of party government in foreign countries would lead us too far afield, it would be interesting and instructive to analyze the causes and motives for the formation of "blocs" and "coalitions" on the Continent and in England today. There may be nothing absolutely new under the sun, yet it may be seriously doubted whether a mere "post-war" allusion explains the motives that underlie the fall of dynasties, the quick change of ministries and the disregard of the representative idea of government as manifested in Soviet Russia. It is, of course, not strange that many of the governments of Europe could not long survive the cataclysmic crises of the Great War. But the careful student of current politics, while he may be unable to explain, cannot fail to observe in the chaos of the political world today something very foreign to the old political order, whether for good or ill history alone can tell.

EVIDENCES OF PARTY DISSOLUTION

Confining our observations to party responsibility in America, it may be instructive to examine the motives or forces which under normal conditions unite men into a political party. Aside from the general tendency to react to a common stimulus, which may be in many cases neither more nor less than a desire to be on the winning or popular side; or aside from the inability to overcome the fatalistic trend of the multitude so difficult in all popular governments, what has hitherto kept a party together? Professor C. E. Merriam, in his excellent work on *The American Party System* summarizes the motives of party action as "habit, response to leaders, personal or group interest, economic or otherwise, the sense of community responsibility, the response to the appeal of the formula, specific gratification of desire for political-social contacts."

DISREGARD OF PARTY BY CERTAIN CANDIDATES

But even if we accept these varied motives as the cohesive power that makes for party unity and party spirit, the reason for adherence to a particular party is still unexplained; for similar motives might be urged as a cause for a break or revolt from a party instead of adherence to it. Why, for example, in the recent primaries in many states, have Republican or Democratic candidates at primaries rebuked their respective parties by the advocacy of principles which in no way, other than name, conformed to the traditional views held and advocated by the party leaders? Beveridge of Indiana, Pinchot of Pennsylvania, La Follette of Wisconsin and Brookhart of Iowa, while accepting the Republican name in aspiring to office, were to all intents and purposes independent of the Republican tradition and might have called themselves more accurately, leaders of a Liberal Party.

To what extent is the Republican Party, in any of the four states mentioned, responsible for the action of these men either in the chair of governor of a state or in the United States Senate? That is, after all, the question that requires an answer if party responsibility is to be properly estimated. The difficulty in answering this question will become more obvious if we remember that Brookhart of Iowa made his campaign for the Senate on three main issues: (1) the repeal of the Esch-Cummins Transportation Law; (2) an attack on the Federal Reserve Banking System which he blamed for many of the farmer's financial troubles, and (3) "for laws to encourage cooperative control of production, credit, marketing, and buying by organized agricultural and industrial labor."² Whatever the motives may have been that led the Iowa voters to cast 42 per cent of the total votes cast for six candidates at the primary for Colonel Brookhart, the cold fact remains that in his first men-

² *Nation*. 115: 466. November 1, 1922.

tioned issue he openly attacked a Republican measure; in his second, he scored an institution inaugurated by a Democratic administration now under Republican control; and in his third plank, he borrowed from the Non-Partisan League. All this in a state that had long been Republican and gave President Harding nearly 400,000 majority. Nor is Brookhart's case an isolated example where party organization and party allegiance were disregarded by the successful candidate and an appeal made directly to the electorate. In municipal politics we already have a non-partisan system in both the primary and the general election, and in many states the primary laws have been modified to remove the candidates for judicial office from the party column.

TENDENCIES IN ENGLAND

That the tendency to revolt against the present party system as such, does not have its entire explanation in local or geographic areas but rather in the spirit and tendencies of the times, whatever the cause, is also seen in recent political theories which break sharply with traditional methods of political action. And in some countries practice has followed closely upon the heels of the theorist. Two years ago there was an attempt in England to return to the two-party system led by Asquith and the Cecils, but recent events in the United Kingdom give little evidence of a return to the party system of Gladstone and Salisbury. Who knows but that in the not distant future, at least in the two great democracies of the world—England and America—candidates will disavow party organization entirely, and on the basis of issues alone, will appeal to an enlightened plebiscite in utter disregard of the present party system? In America, however, that will be possible only when the complex encumbrance now called the primary is abolished or so modified as to enable the voter to distinguish through a long list of names, the vital issues which he seeks to impose upon those who govern.

PARTY SPIRIT IN AMERICA AND ENGLAND COMPARED

At all events we need not consult election statistics to know that where primaries involve the nomination of numerous non-political offices or of decisions which the masses are incapable of making, it will fail to increase party responsibility. It is a question, then, of whether the party system under American conditions is more effective as a means of registering the popular will, than an irresponsible combination of fortuitous circumstances, which place in nomination men whose chief claim to office is that they were the choice at the primary. Unfortunately, the significance of the party in America is so little understood by the average voter that the primary, which has done much to destroy party cohesion and party action, is extolled for the very qualities which should condemn it. It is still the fashion among a large number of the so-called "intellectuals" to stand aloof from party organization as something to be despised.

This attitude is due in part to a confusion of two separate and distinct ideas designated by terms, which, on account of the similarity of sound, are thought of as conveying similar ideas. The terms are *party* and *partisan*; and it is easy to ascribe to the party-man qualities of mind which permit his party to think for him, which he regards as aspersion upon his independence. This attitude of the American citizen toward the party stands in striking contrast to that of the English citizen, who is not ashamed to be identified with a party having able leaders. Nor are these two attitudes without reason. The English voter who follows a leader, usually follows an idea which may rise to the dignity of a philosophy of life as well as a real policy of state. If that leader be a Burke, a Cobden, or a Bright, adherence to his cause will be a mark of distinction capable of the best thought. We need only to reflect upon the history of the free trade movement in England to be assured of this fact. The political apothegm "when in doubt, kick Cobden" had an

entirely different significance in English political life than the accusations against Tammany Hall or the Philadelphia Gas Ring in America, while a membership in the Ku Klux Klan would scarcely have qualified one for membership in the Cobden Club.

Before any nominating system in America will enlist the interest of the average voter, the entire attitude toward parties as factors in government must be changed. No institution will command the obedience or respect of mankind that is not rooted in honorable traditions, or does not rest upon a recognized moral principle of high endeavor. However low the actual range of political action may be, however dark the current of its daily life, the average voter will hesitate to identify himself with an institution which he feels is not approved by the best thought.

ESSENTIALS TO RESPONSIBLE GOVERNMENT

But aside from the complex organization and methods of nomination, and the general absence of a party spirit to supply the necessary cohesive force to maintain party discipline, and reform the party from within the organization, there is no clear conception among the majority of voters of the essentials necessary to a government responsible to a political party; and without a common or popular conception as to the meaning, purpose and function of political institutions, leadership and responsibility in the true sense becomes impossible. Before considering this phase of the question, however, it may be well to state in general terms what the essentials to responsible government are. They may be placed under three heads: (1) There must be, under whatever name or form it may appear, a political party comprising a majority of the electorate; (2) there must be means or devices adequate to a free expression and registration of the popular will; and (3) there must also be, on the part of the voter, a knowledge and an intelligence equal to the service he

is called upon to perform, whenever he exercises the right of franchise.

Of these three essentials it must be admitted that the first obtains only partially; the second to a still less degree than the first; while the third essential, because of conditions imposed by the first two, is almost entirely negligible. There are, indeed, in addition to those here mentioned, other conditions necessary to a truly responsible party government; such as, for example, the complete absence of sinister exterior influences which tended to deflect the course to a free choice, and the presence of clearly defined issues. Passing over the minor conditions, however, and confining our attention to any one of the three major essentials mentioned above, we arrive at the conclusion that even the regular election, taken by itself, though usually less complicated than the primary, results in irresponsible government because of the confusion of issues with candidates; and the primary has aggravated the difficulty. It has raised high above the heads of the average voter a mechanism too difficult to comprehend and consequently too difficult to operate successfully. It has assumed the false premise that the problems of government depend for their solution upon a wider popular contact, rather than upon a deeper and higher intelligence. The cold fact that government is an extremely complex institution and that political intelligence is extremely simple, must ever remain as the anchor of political reform; and progress towards good government must always be conditioned upon the fact that the electorate, though honest and of good intentions, can operate through the electoral franchise only the simplest forms of machinery.

THE BURDEN IMPOSED UPON THE VOTER IN CALIFORNIA

Measured by these standards which express the theory of party responsibility, let us turn to the practical operation of these institutions which are to give us a government subject to popular control. Examples from two

fairly typical states may serve as illustrations of the impossible burden we have placed upon the electorate. The general election laws of California comprise a volume of 283 pages of very fine type, and although intelligent voting does not require a thorough digest of the entire election code, the mere extent of the regulations from nomination to final election suggests the extent of the burden imposed upon the electorate. The arguments respecting the amendments to the state constitution and the proposed statutes submitted to a referendum of the electors at the election of November 7, 1922, form a pamphlet of 144 pages. The proposed amendments and statutes formed 30 separate propositions for the state at large, with four additional questions for the county of Los Angeles. These propositions appeared upon a single ballot, measuring twenty-two by twenty-eight inches, together with the names of forty-nine candidates seeking thirty-one offices. Nor was the difficulty confronting the voter fully expressed by the number of items to be voted upon. Many of the legal propositions supplemented or repealed former statutes and amendments, and an intelligent vote, therefore, implied a knowledge of law and conditions far beyond the face of the ballot. Where or how was the voter to get this knowledge? If he depended upon newspapers, broadsides and pamphlets with which he was deluged, his conclusions were in danger of being purchased by the highest bidder rather than by a dispassionate process of reasoning and observing. The *Los Angeles Evening Herald* of November 6, 1922, contained three very large advertisements against the so-called "Lawyers Bill," and the bankers were said to have spent \$150,000 to defeat the measure.

PRIMARY LAWS AND VOTING IN OHIO

The election laws of Ohio as compiled in 1920 make up a volume of 325 pages; and while here again intelligent voting does not require familiarity with the entire code, that part which in some form refers directly to the

status and condition under which the right of franchise is exercised would by itself form about 100 pages. How intelligently this franchise was exercised at the last general election was shown in numerous instances; for the sake of brevity a single example must suffice. Of the three proposed amendments to the state constitution the one that attracted most attention, and the one upon which one would naturally expect the clearest expression of the popular will, was the liquor amendment, providing for the manufacture and sale of beverage containing 2.75 per cent alcohol by weight. The ballot was so worded, however, that many a stanch prohibitionist voted "wet"; and so far as I know, no one outside of a few tax experts is suspected of having cast a discriminating vote upon either of the other two proposed amendments, one referring to indebtedness and bond issues and the other to taxation.

The official figures for the last (August 7, 1922) Ohio primary also form an interesting commentary upon this method of voting. While many states have apparently modified their primary laws upon the theory that direct nomination is least objectionable for county and local offices, the last Ohio primary election shows that in many cases county officials, to take a single example, were nominated by a large minority of the total votes cast. Thus in Lorain County, nine candidates running for the office of sheriff on the Republican ticket, received a total of 10,889 votes; but the successful candidate received only 3,064 votes, or about one-third of the total number of votes cast. Questions: Was he the choice of the party? Upon any conceivable theory of responsible government, what portion of the total voters of all parties in the county does he represent?

CONCLUSIONS

In conclusion I summarize the results of this study by saying that the direct primary has decreased party responsibility because:

1. It has tended to break down party organization and destroy united party action.

2. It has retained for popular nomination and election both administrative and policy-determining offices, thus creating a still longer and more incomprehensible ballot than we had under the old system.

3. By assuming that all public offices should be open to all citizens, it has encouraged the fallacy that all citizens are qualified; with the result that so many run for office that the average voter cannot detect who are not qualified.

4. It is illogical in that it accepts representative institutions and at the same time denies faith in them, by directing candidates elected to office, instead of trusting them to their best judgment.

5. It assumes that the function of the elector is to govern, rather than to see that good government is enacted, by changing government from a Republican to a Democratic form.

"The spirit of democracy is corrupted," says Montesquieu, "not only when the spirit of equality is extinct, but likewise when they fall into a spirit of extreme equality, and when each citizen would fain be upon a level with those whom he has chosen to command him. Then the people, incapable of bearing the very power they have delegated, want to manage everything themselves, to debate for the Senate, to execute for the magistrate, and to decide for the judges. When this is the case, virtue can no longer subsist in the republic."

OBJECTIONS TO THE DIRECT PRIMARY³

Against the direct primary system a large number of *objections* have been raised. They are often advanced by the old type of machine politician and bosses who appear to believe that their power and influence will be

³ By P. Orman Ray. *Introduction to Political Parties and Practical Politics.*

destroyed by the new system. Irrespective, however, of the character of the objectors, the objections themselves deserve consideration. They may be briefly enumerated as follows:

(1) The character and efficiency of public officials have not been improved under the direct primary system.

(2) Corruption in politics has not been diminished. On the other hand, it is claimed that the new system "tends to promote, rather than check, electoral corruption. A primary election is merely another election, and as elections are now conducted we have enough of them. A primary is merely another opportunity for the 'floater' and the 'grafter.' A large and corrupt use of money is encouraged."

(3) It makes it virtually impossible for any one "excepting moneyed men or demagogues to be elected to office," because of the great expense involved in canvassing for two elections, the primary and the regular election which follows.

(4) Since the expenses connected with the conduct of the direct primary election are borne by the public, the system involves a large increase in taxation.

(5) The petition method of placing names on the primary ballot has created a class of mercenaries, hired for the purpose of soliciting signatures to such petitions.

(6) The direct primary tends to weaken and disorganize the party, since it renders more difficult the harmonizing of differences and jealousies and misunderstandings. It affords no security for a geographical distribution of the candidates which is calculated to strengthen the party throughout the State. As tried in some States, it facilitates Democrats nominating Republican candidates and Republicans assisting in the nomination of Democratic candidates.

(7) No satisfactory method has been provided for the making of a party platform. In those States where the platform is drafted by the party nominees it is as-

serted to be a mere "catch vote" affair, and not a true embodiment of the party's principles.

(8) The new system has not dethroned the political boss or put the machine "out of business." It does not remove any of the conditions which have produced the system of machines and bosses, but intensifies their pressure by making politics still more confused, irresponsible, and costly. It parallels the long series of regular elections with a corresponding series of primary elections in every regular party organization. The more elections there are, the larger becomes the class of professional politicians to be supported by the community.

(9) The direct primary tends to a multiplicity of candidates, with a resulting confusion of the voters. The "ring" influence can easily cause a number of respectable candidates to be brought out, and thus divide the vote of the best citizens, while the ring or machine candidate may easily obtain a larger number of votes than any of his opponents.

(10) Direct primary elections are a blow at representative government and tend toward pure democracy.

(11) State-wide direct primaries favor populous centres against rural communities.

CAN YOU TRUST THE PRIMARIES?⁴

This is the confession of a Progressive. To the safe conduct of my kind of Progressiveness an open mind is essential. I cherish the belief that I have an open mind because I sometimes run across new facts or changed conditions that alter, and even reverse, opinions that I had firmly held. This confession describes one such change of mind on my part about the primary system in American politics.

I am not "in politics" now, and have not been for half a score of years. But there was a time—in the ex-

⁴ By Oscar K. Davis. *Collier's Weekly*. 73: 8-9. March 29, 1924.

citing days of 1912 to 1914—when I had a more or less active part as secretary of the Progressive National Committee. Prior to that I was a close observer as Washington correspondent of the New York "Times."

Since 1914 I have been on the side lines. What I have to say now is not indicative of the slightest partisanship for or against any candidate.

I am convinced that the primaries are steadily sapping the vitality of our political institutions, and I believe I can prove it.

I used to be one of the most enthusiastic advocates of the primary system. The old convention system had become very clearly a tremendously effective agency for boss control. Cases were by no means uncommon where a boss imposed his own will on a convention against the clear desire of his party, either forcing through the nomination of a man whom the party did not want, as when Murphy named Hearst for the governorship of New York in 1906, or refusing to nominate a man whom the party did want, as Platt did in 1900, when he thought he had shelved Roosevelt in the vice presidency.

It was probably more the refusal to nominate men who wanted office than it was the nomination of men whom the party did not desire that brought about the innovation of the primaries. For the men who wanted the job made it their business to find a way to get it.

Senator La Follette had a great deal to do with bringing the present primary system into vogue. He wanted to be governor of Wisconsin. But the organization was for somebody else. After two or three defeats in conventions, La Follette made such an intensive personal appeal directly to the voters that he won out. Devotees of the primary system describe this as a great "triumph of the people." It was certainly a triumph for a very persistent office seeker. He hitched up the old horse and began personally calling on his Dane County neighbors and asking for their support. When he began there

was no great popular outcry for La Follette. But there was after a few years of his intensive personal salesmanship. The primary system is certainly helpful to a man who wants office.

There are plenty of instances of the effectiveness which the primary system has given to personal office seeking in the Democratic party, too, such as Blease of South Carolina, Vardaman of Mississippi, and Tom Watson of Georgia.

Heflin of Alabama is another. One of his claims to popularity is the fact that he had an altercation with a negro in Washington and shot him in the leg.

The primary system appealed strongly to many independent voters who were opposed to boss rule. Many good men and women still think the primary is an effective agency for good. But I am convinced that its workings are just the contrary.

When Senator Johnson made public announcement of his candidacy for the Republican presidential nomination, a few weeks ago, he opened his statement thus:

"Theoretically, under our system, the people themselves elect their president. Those States with presidential-preference primaries not only recognize this theory, but put it in practice. They preserve the spirit as well as the letter of American institutions."

Each of those three sentences may be questioned:

First—Is it a fact that "theoretically, under our system, the people themselves elect their president"? It sticks in my mind that several times there has been inaugurated as president a man *for whom a minority of the people had voted*. I understand the senator to mean that in theory the people are able to bring about directly the selection of the man they want for the presidency. I do not think they are. The framers of the Constitution provided an electoral system which avoided direct action by the people in choosing a president. They tried to prevent the selection of a president from being influenced

by temporary public emotion. They adopted representative government.

The essential effect of the primary system, however, is *to subvert and destroy the representative system, and to substitute direct action by the mass of the voters*. It is perhaps a little more accurate to say that that would be the essential effect of the primary system if it functioned as many of us believed it would.

Its failure to perform according to design, however, has revealed its inherent defects.

We still choose our presidents by means of electors. The electors, it is true, no longer exercise their independent judgment. They vote only for their party nominees. The people do elect the electors, and there was a time when they usually took a practical part in nominating them as well. But that was done away with when the party convention was superseded by the primary system.

The second sentence of the paragraph quoted—"those States with presidential-preference primaries not only recognize this theory, but put it in practice"—is equally open to question. The right which the preference primaries give the people of any State is not to choose the one man in the nation whom they would most prefer for president, but *merely to make a selection among those gentlemen who themselves seek the nomination for the presidency*. It has happened over and over again in the case of State and minor offices that the man whom the people really desired to hold the office would not enter the primaries.

The traditional theory of our old political system was that the office should seek the man. Two notable cases in New York were the nomination of Mr. Hughes for the governorship in 1906 and the election of Elihu Root to the Senate. Neither wanted the office. Neither would have lifted a finger to get it. Both were drafted by their party and responded. But that theory broke down when

primary superseded the convention. For the primary is only a machine by which men who seek office may first seek the nomination. The primary does confer upon the individual a special opportunity in seeking office. The only right it confers upon the people is that of choosing *among the office seekers*. There was once in this country a belief that "public office is a public trust." The primary has made public office a private perquisite.

Nor (third) does the primary "preserve the spirit as well as the letter of American institutions." It is tending directly toward the destruction of both. The spirit and the letter of American political institutions were for representative government. *The spirit and the letter of the primary system are for the promotion of demagogery and political cowardice*. The primary is steadily sapping the spirit of independence which used to mark the actions of our representatives. It makes men who are elected to represent all the people truckle to every little superficial ripple of popular hysteria, to support what they know to be false because they think it to be popular.

The great qualities of courage and vision, which used to be characteristic of our public men, have become so rare today that the instant a public man displays either or both he is nationally marked as a leader.

The people of the nation, of a State, of a congressional district, and even of a large county, cannot become sufficiently well acquainted personally with men who have the right qualities for public office to enable them to form a well-considered preference. And if they could form such a preference, they have absolutely no means of expressing it at a primary unless the object of it sees fit to enter that primary as a candidate. A primary voter who wants to vote for some one not among the lists of self-seeking candidates must write the name in on the ballot. It is simply unthinkable that a majority of the party members in any district could resort successfully to that method.

We have seen the bosses easily control the party organization, and get out their vote at the primaries, while the mass of the voters pay no attention to it. Less attention is paid by the people generally to the primaries than used to be paid to the township caucuses. It is rare that a primary polls half the party vote. Even at times of great excitement among the voters, such as the presidential primaries in 1912 when the sharp contest between President Taft and Colonel Roosevelt was on, nowhere is there polled anything like the full party vote. A ridiculous minority, instead of a substantial majority, constantly rules. The total vote in the recent gubernatorial primaries in Louisiana, for instance, was only about 225,000, practically the same as the population of the average congressional district.

Part of this is due, no doubt, to the indifference of the voters. Part is due, also, to recognition by voters of the fact that the primary does not give them real opportunity to make themselves effective in the selection of the party candidates.

The proved effect of the primary system is to diminish party loyalty, to weaken party government, and therefore to menace the institutions which we inherited from the founders.

The old system of representative organization served this country with distinguished success for more than 100 years. It was based on the township or election-district caucus. Such meetings were small enough so that their members could be and usually were well acquainted. When such a meeting picked a man to represent it at the county convention it knew its representative and he knew his constituents. Responsibility was plain, simple, and direct. The remedy for misrepresentation was easy and well known. Alibis were few and it was hard to get them believed. The same principle ran through the formation of district and State conventions.

Of course there were voluntary candidates for office

then, as now. The primary did not originate the self-seeking politician, but it has furnished him with a machine that serves his purposes better.

There were times when the old system went wrong, and when a corrupt boss, or combination of bosses, put through deals in utter defiance of the will of the party. And there was the rotten bipartisan game, worst of all the evils of the old system. But in spite of these evils the convention did, much of the time, bring forward men of outstanding courage and independence. The halls of legislatures and of Congress were not strangers then to high ability, vigorous leadership, and effective organization.

The primary system has brought in their place truckling subservience to popular clamor. The primary is a prize promoter of timidity and inefficiency. It is a toxic anesthetic of independence and courage.

Unshaken and unshakable is the common belief that the heart of the American people is sound, that their decisions on great public questions are correct. Time and again they have proved their essential soundness *when they have been in possession of the facts*. But because of their rapid increase it has become more and more difficult to put them in possession of the facts.

The experience of Oregon and Ohio are cases in point.

In Oregon a choice between two absolutely opposite propositions regarding the salmon fishing in the Columbia River was submitted to the electorate on referendum. Despite all explanations, *both bills were carried*, with an utterly unworkable result.

In Ohio fifty-seven of the eighty-eight counties of the State had voted dry under the local-option law. In 1914 numerous other counties voted on the question under the same law. But at the same time an amendment to the Constitution, devised to admit the saloon to the whole State, was submitted on referendum for a State-

wide vote. Its opponents made at least eight different speeches in each of the eighty-eight counties, explaining clearly the exact effect of the amendment. At the election twenty additional counties *voted dry* under the local-option law, making seventy-seven in all, with only eleven counties left wet. *But the State as a whole adopted the wet amendment*, and the saloon was admitted even to the seventy-seven counties that had voted dry!

Theodore Roosevelt was one of the leading supporters of the primary system, and continued to favor it almost up to his death. But I have reason to believe that he changed his views about a year before he died.

In the fall of 1910, when Colonel Roosevelt made an extensive swing through the Middle Western States, I traveled with him as correspondent of the New York "Times." He made one or two speeches in Wisconsin, where La Follette was running for renomination. It was openly charged in Wisconsin that fall that the Democrats were planning to renominate La Follette in the Republican primary. As a matter of fact, they did just that. So many of them voted in the Republican primaries, and so few of them voted in their own primaries, that in several counties the Democrats failed to poll the number of votes necessary under the law to entitle them to have their regular county tickets printed on the official ballot in the usual way, and they had to nominate their county tickets by petition.

That started me wondering about the real working of the primary system. Then, in the campaign of 1914, Colonel Roosevelt did a good deal of speechmaking in different States, and as secretary of the Progressive National Committee I traveled considerably with him. We had numerous conversations on the subject of the primaries, and he took me pretty sharply to task occasionally for losing faith in them.

When the election was over, and the grotesque result in Ohio was made clear, I wrote the Colonel about it, asking him if he didn't think it indicated an inability

on the part of the people to see things clearly enough to justify their having direct control. He replied with an admonition to remember Lincoln's proposition that "you can't fool all the people all the time."

The debate with Colonel Roosevelt was continued at intervals for the next three years. Whenever an incident came to my attention that seemed to have a bearing on my side of the question I either wrote or spoke to the Colonel about it, and we had it out. But he always stuck to his support of the primaries, until the fall of 1917. In that year the Republicans of Greater New York were for fusion in support of the reelection of John Purroy Mitchel as mayor.

The great bulk of the rank and file of the party were for Mitchel. But a man named Bennett went out to contest the primaries with Mitchel. Bennett had a certain amount of regular organization support. The Republicans by and large took his candidacy as a joke and as usual paid no attention to the primaries. The result was that a ridiculously small vote—even for a primary—was polled, and Bennett got the Republican nomination.

That was a case on my side, and I wrote Colonel Roosevelt about it, saying that I did not believe a Republican convention could have been put together in Greater New York that would have given the nomination to Bennett over Mitchel. And then the Colonel gave in. His reply began: "*You are right,*" and continued to express an unfettered opinion of the grotesqueness of such a primary.

It happened that I did not discuss the whole subject of the primary system with him afterward. The war was on, and when I saw him there were more immediately important things to talk about. It happened also that I did not write him again on this subject. But his letter about that primary has left the feeling with me that if he were alive today he would be fighting for, rather than against, the restoration of the old convention system.

THE SHAME OF PENNSYLVANIA ⁶

Decent citizens who cherish even a conservative idealistic outlook on our American democracy are gravely disturbed over the revelations of political prostitution in Pennsylvania. Nothing comparable to it has ever been exposed before in our country. The teapot dome scandal, the Newberry case, the most flagrant exposures of Tammany hall's methods, the Tweed ring—nothing so sinister as the corruption of Pennsylvania's electorate by the shameless use of money has ever been brought to the bar of our public conscience. For Mr. Pepper's campaign alone, the expenditures mount up, as these words are written, to the sum of \$1,631,242, with the likelihood of further sums yet to be disclosed. For Mr. Vare the amount disclosed to date is \$611,406, with Governor Pinchot a "poor third" to the amount of \$160,000. The agitation over the expenditure of \$190,000 caused Mr. Newberry to resign his seat in the senate. The situation in Pennsylvania is so bad that the Chicago Tribune, though at first greeting the announcement of the senate's resolution to investigate Pennsylvania with a cynical apologetic for large, if not unlimited, campaign expenditures, has significantly hushed its editorial voice and allowed its news columns and cartoonists to interpret the Pepper and Vare disclosures with some signs of wholesome shame. The fact that so large a section of the electorate can be sordidly bought—the New York World says the Mellon machine purchased outright at \$10 apiece 35,350 of the 80,346 votes cast for Pepper in Allegheny county alone—is, of course, the most obvious aspect of the depressing revelation. The only mitigating reflection in the fact of such a moral breakdown of citizenship is the question as to whether the technique of our democracy does not impose a moral overstrain upon the human nature of our citizenry. Whether our one-man-one-vote

⁶ From editorial. *Christian Century*. 43: 829-30. July 1, 1926.

basis, our party system with its factional machines, our long ballots,—whether this system is the best way of getting an intelligent and honest expression of the will of the people, is a grave question. Perhaps real democratic government should rest upon larger units of individuals, rather than upon individuals. Perhaps our system lays upon the individual citizen a responsibility which he is neither intelligent enough nor good enough to discharge. Who is willing to defend the thesis of the finality of our present democratic technique?

THE PRIMARY AS A RICH MAN'S GAME ⁶

Gifford Pinchot's victory in the Pennsylvania primaries seemed to many observers—to the independent Chicago *Daily News*, for instance—a striking vindication of the direct primary, because it permitted the rank and file of Republican voters to choose as candidate for Governor an independent, able, progressive, anti-machine man who “would not have had a chance under the convention system.” But no less striking, to judge from editorial comment, was the reminder that the primary is pretty likely to be “a rich man's game.” A few days ago the Philadelphia *Record* (Dem.) called attention to the fact that Mr. Pinchot admitted having paid \$93,562.14 in cash for primary expenses; that Mrs. Pinchot had paid \$29,500; that another member of the Pinchot family had paid \$1,500; and that “in addition there were other large sums contributed and acknowledged.” Here this Democratic newspaper, perhaps naturally suspicious of all Republican candidates, says that the Pinchot family did something “quite without parallel in the history of American politics.” But other editors remember that Mr. Newberry spent something like \$200,000 to carry a Senatorial primary in Michigan not so very long ago; that Senator Isaac Stephenson spent \$100,000 in the Wisconsin pri-

⁶ From *Literary Digest*. 73: 10. June 17, 1922.

maries away back in 1908; and in 1909, when there was no question of a primary or a popular election, some one remarked of a recent election of a United States Senator by the Illinois legislature: "Well, we put Lorimer over down there at Springfield and it cost us about \$100,000 to do it."

However, Mr. Pinchot's friends have arisen everywhere to point out, as we read in the *Minneapolis Journal* (Rep.) "that with two million voters or more to reach in the State of Pennsylvania, the wonder was that Pinchot had been able to make a thorough campaign for so small a sum—six or seven cents apiece. In Pennsylvania it costs a pretty penny merely to send a post-card to each voter." Under existing primary systems, remarks *The Tribune* of the same city, "a candidate is obliged to spend a considerable sum of money to carry his message and his political identity to the electorate in perfectly legitimate ways." And a Democratic journal like the Norfolk *Virginia-Pilot* sees no need of being "unduly deprest by the fact that beating the Old Guard cost Pinchot and his wife an eighth of a million dollars"—

If they can afford it, it was worth it. Since politics is so organized in this country that the highest offices are attained only by men of wealth, regardless of the system of selection, it is better that these offices be won in open warfare than by sapper tactics conducted in the murkiness of packed conventions.

"The money I spent," says Mr. Pinchot, "was honestly, legitimately, openly, and economically spent, and honestly reported." Quite so, and probably it took all that money to beat the Penrose machine, agrees the *Baltimore Sun* (Dem.). And yet when Newberry spent but \$70,000 more the Senate only "half-heartedly seated" him and went on record that the expenditure of so much money was "harmful to public morals, subversive of the dignity of the Senate, and dangerous to the perpetuity of free institutions." Now, says *The Sun*, while "there can be no step backward from the primary to the outworn convention system with its bossism, its deals, and

its thwarting of the popular will," it is no less evident that—

The direct primary system has some grave defects. They must be got rid of, if possible; but how to do it is a question. None of the remedies which we have seen suggested is free itself of objection. The proposals to limit and regulate the expenditure of money involve statutes which are easily evaded, and, at any rate, when it costs several tens of thousands of dollars in some States to mail a single letter to each voter, and when that expenditure could by no means be called an illegitimate one, it is rather useless to talk of placing a small total limit on the amount that can properly be expended. In time this defect may be remedied, or some better way of nominating candidates than by the direct primary may be found. Meanwhile, however, it is to be remembered that altho the direct primary is very faulty when compared with an ideal system it still has merit compared with the convention system which it superseded. Under that old system a great deal of money changed hands in connection with nominations, but it went not for postage or printing, but directly into the pockets of the all-powerful bosses.

The case for the direct primary, as the Newark *Sunday Call* (Ind.) notes, is well put by State Senator W. N. Runyon, who is after the Republican nomination for Governor of New Jersey. "Believing," he says, "in the American system of party government and that the direct primary is the only agency through which party organizations may be made responsive to the wishes of the people, I strongly advocate the upholding and continuance of the present direct primary law for that purpose."

But, observes President Harding's *Marion Star*, which is in entire agreement with its distinguished owner in being dissatisfied with the primary system, "there is something wrong with a statewide primary system that permits a man to spend such an immense personal sum, or compels him to spend it, if he is to become the successful primary candidate." The Washington correspondent of the *Seattle Times* says that while it may have been interrupted by such popular successes as those of Pinchot and Beveridge, there is a distinct trend against the primary. He points out that bills repealing the direct primary laws are expected to pass at the next ses-

sion of the Indiana and Maine legislatures, that such a bill did pass in the New York State legislature last winter, and that Minnesota and Iowa have adopted systems combining conventions and primaries. Mr. Jermane finds five arguments against the direct primary: first, it represents minority rule, since so few qualified voters take part; second, it has lowered the standards of efficiency among public men; third, "when these incompetent and unscrupulous men get into office under the primary it is next to impossible to dislodge them"; fourth, it is "a rich man's game"; fifth, it tends "to destroy party organization." The writer in the Seattle paper perceives a drift away from the primary in nearly every section of the country. He expects it to take form in action in a number of States; some of them like New York may go back to the old convention system; "the opinion of Washington, however, is that, as a rule, whatever is good in the primary will be retained and grafted upon a modified convention system that will prevent a recurrence of the old convention abuses."

THE DIRECT PRIMARY UNDER FIRE¹

Pennsylvania has made the direct primary a live issue, remarks the independent Chicago *Evening Post*, following the Senate investigation into that State's expensive primary. The best part of \$3,000,000 is said to have been expended in the recent campaign. Both friends and opponents of the primary plan of selecting candidates for public office have had much to say since the disclosures in the Keystone State, and on June 29 the New Jersey Republican State Convention committed the party to abandoning the primary system for nominating a Governor and United States Senators, and sponsored a return to the convention system. The Democrats of the State, on the other hand, declared flatly against any change in the primary law.

¹ From *Literary Digest*. 90: 10-11. July 10, 1926.

The whole country, remarks the *Jersey City Journal* (Ind. Rep.) "has been shocked by the revelation of the immense sums of money spent in the Pennsylvania primary, but thus far no sane solution of the primary problem has been presented." It is clear to the independent *Washington News*, however, that "something is wrong with a system that make a man or his friends spend more than a million dollars to get a job that pays only \$10,000 a year." Is the primary law at fault? Is the direct primary only for the rich man? Should we return to the convention system, as Senator David A. Reed, Republican of Pennsylvania, suggests? These, observes the independent *Indianapolis News*, are some of the questions State legislatures will be called upon to answer when they consider their primary laws next winter. According to the *Rochester Democrat and Chronicle* (Rep.):

For the first forty years under our Federal Constitution candidates were nominated by party caucuses, which came to be decried as corrupt. Then we passed to the convention system, which was held to be an improvement. Under the Seventeenth Amendment, adopted in 1913, came election of Senators by popular vote; and more than forty of the States put the direct-primary nominating system into force.

Thus, briefly, are we brought down to the present—to the Pennsylvania primary. In the opinion of David A. Reed, the junior Senator from that State:

There is one lesson that we have got to draw from this last primary, and that is that this beautiful rosy reformation we adopted twenty years ago, called the popular primary, is an illusion. The whole country is startled, and our friends the Democrats are pretending to be shocked, at the amount of money that was necessarily expended in this last campaign. The people who criticize it forget that they are talking about a hard-fought primary, in a nation of 9,000,000 people . . . to whom the lessons of the campaign and the preachments of the candidates have got to be carried. . . . Necessarily, in all propriety, the expenditures of vast sums were required because of the silly mechanism of primary elections. We have got to get back to the convention system.

"Certainly," agrees the Republican *Chicago Tribune*, "direct primaries are a costly as well as dubious device

in populous States." In fact, maintains the *Tulsa Tribune* (Ind. Dem.) "the primary can not operate without corruption. That is the thing which the Pennsylvania story is revealing." And *The Independent* believes that—

The Pennsylvania orgy should suffice as an object lesson to the country that the direct primary is a cumbersome expense which doubles the difficulties of an honest politician, puts a premium on wealthy backing, and in the end accomplishes nothing. It is a shockingly extravagant, inefficient, and improper method of choosing a party's candidate.

Secretary of the Treasury Mellon, a resident of Pittsburgh, is quoted in the *New York Times* as saying that the money spent in the Pennsylvania primary was used only for lawful and legitimate purposes, and that the heavy expenditures were necessary because of the primary system, the large vote cast by the State, and the necessity for extensive advertising. As W. W. Jermaine, Washington correspondent of the *Seattle Times*, explains:

The three candidates for the Senatorship—Vare, Pepper, and Pinchot—were merely incidental to what was going on. All were victims of a pernicious system. They were hemmed in by the most asinine law the American people ever have enacted for the regulation of political nominations.

It has been estimated that of the \$3,000,000 thus far disclosed as having been used in the recent primary campaign, half, and perhaps more, went for rent of headquarters and clerical help, newspaper publicity, and the printing and mailing of circulars to individual voters. The newspaper advertising was not designed to gain editorial support, and did not do so. It was bought by the column and full page, just as it is bought by the retail merchants.

"New York State did a wise thing in reviving the convention system," thinks the *New York Herald Tribune* (Ind. Rep.). For, it points out:

Party nominations are State affairs. They should be kept distinct from elections, over which Congress has regulative power. The convention system preserves this distinction, which is an important one. The smaller States may, perhaps, continue to use the primary without inconvenience. But it is too cumbersome and costly for the more densely populated States.

It would be better for Pennsylvania to go back to State conventions for State-wide nominations, as New York has done.

The convention system grew unpopular because of abuses in the election of delegates. But those abuses have been magnified under the system of direct nominations—especially in the more populous States.

"The direct primary not only costs more in money, energy, time, and morale than the convention system ever did," avers the independent *Detroit Free Press*; "but the country gets much less for its money." Continues this Michigan daily:

If any new evidence that the primary system is fundamentally vicious and demoralizing and thoroughly out of tune with the whole theory of American government was needed; if any fresh proof that the primary system is a natural breeder of corruption in politics was required, the developments of the Pennsylvania contest have supplied the lack.

We do not mean to say that the raising of slush funds aggregating two million dollars or more for the three Republican Senatorial candidates in the Keystone State is in any way excusable. If current reports are reasonably reliable, a good many things were done in Pennsylvania that are entirely beyond justification from any standpoint.

But it is true that the primary system provided wide-open opportunity for the use of the reprehensible methods which seem to have been employed. Except for the existence of the primary, scandal could not have reached the monstrous proportions it gained.

The great majority of American editors—Republican, Democratic, and Independent—however, seem to be in favor of retaining the direct primary, despite the recent spending orgy in Pennsylvania. "The primary, the method, the mere machinery is not to blame," declares the *New York World* (Ind. Dem.); "men who are willing to buy elections will buy them under any system." "The blame for the vulgar and commercialized performance must rest upon the candidates," agrees the *Columbus Ohio State Journal* (Rep.); "individual responsibility can not be evaded by abusing the system." "If there were no direct primaries," argues Mr. Hearst's *Baltimore American*, "Senator Pepper's plutocratic supporters would have dictated his renomination. With the direct primary in force, they spent more than a million and a half dollars to nominate him—and failed." "If the re-

turn to a convention system, easily controlled by a political boss, is effected, the costs of corrupting elections will be reduced, but not the corruption itself, which will be made easier," asserts Senator Capper, Republican of Kansas, in an interview with David Lawrence, of the Consolidated Press. And in the opinion of the independent Newark *News*:

While it would be silly to claim that the primary has fulfilled all expectations, its enemies can not condemn it for the purpose of exalting a system that has been prolific in corruption and much easier for bosses to manipulate. They can not make out a convincing case by pretending there were no saturnalias of expenditure under the convention system.

It is not a question of method, but of honesty. If the electorate and the political leaders are not clean, the convention will not make them more moral than the primary. Pennsylvania is a glaring illustration of the cupidity of rich men with an ambition for political power and the venality of poor men who like "easy money." The convention would have been easier and cheaper for the rich men; that's all.

"What the enemies of the direct primary want is the opportunity to practise more corruption with less publicity and less interference," asserts the Winston-Salem *Journal* (Dem.). A more moderate view is held by the independent Springfield *Republican*, which says:

Some of us can remember the convention system of old and the interminable scandals associated with it. As for the use of money in actual bribery, the facilities offered by the convention system for concentrating the dollar pressure upon a few men whose votes are needed far surpass those offered by a popular primary. That is one reason why those who favor the boss system want nominating conventions restored.

The Norfolk *Virginian-Pilot* "is not deeply impressed" with the antiprimary speech of Senator Reed, of which we have quoted a part. To this independent Democratic paper:

The critical weakness of the Reed argument is its failure to distinguish between the cost of making current "the preachments of the candidates" and the cost of actually putting the candidates across. In Senator Reed's argument these two mis-sions are identical. In point of fact there is no identity at all. A comparatively small outlay for general publicity would suf-

fice to acquaint even the Pennsylvania "nation of 9,000,000 people" with the few fundamental issues of the campaign, with the pertinent facts in the records of each of the candidates. The newspapers penetrate to every nook and corner, and anything of importance said by any candidate in the evening is known from one end of the State to the other the next morning.

But—and here is the central fallacy of the Reed argument—the politicians are not content with merely "informing" the people. It is the job of the campaign managers to put their candidates over. That is what costs big money. The hiring of 50,000 "watchers" in the Pittsburgh district, at \$10 each, is not a part of the service of information, but a part of the crooked dragooning process by which voters, after they have been "informed," are bribed to vote for a particular candidate or set of candidates regardless of what they think.

It is true that under the primary system the rich man is advantaged and the poor man penalized, but that is a handicap that characterizes poverty in nearly every department of organized society. Before we condemn the primary for withholding nominations from the poor, let us find out how often the old convention system gave nominations to poor men. Investigation, we believe, will show that the fat political honors went to the rich and powerful under the convention system with about the same precision as under the primary. And the poor man with a genuine issue can still win in a primary, as witness Brookhart in Iowa.

The Virginian-Pilot presumes for the primary system no divine right to be. It may have to be abandoned for something better. But that something better does not appear to be the old convention system.

That a "radical reform" is needed is apparent to the Republican Philadelphia *Inquirer*. But, asks this Pennsylvania daily:

Of what must it consist? Surely we can not go back to the old methods without amendment. But might it not be possible to combine the best features of the two systems?

The primary system as applied to Pennsylvania offices is weak in that it admits of no convention gathering. We nominate candidates directly and must take them on faith, for there is no party principle, no party policy. Would it not be better if we could adopt the National Convention idea? It would work out this way: Aspiring delegates in each legislative district would announce themselves as representing individual candidates. The chosen delegates would assemble at Harrisburg and, in pursuance of their obligations, would make the nominations. The expense would be far less than under the present plan, for the struggle to get out an enormous vote in bulk would be eliminated. Something must be done.

THE DIRECT PRIMARY ⁸

The master force which impels the direct primary movement now sweeping over the country is desire for popular control of government. Only partisans and reformers would be interested in it if it were offered simply as a means by which a public man, enjoying popular favor, could beat down his party opponents. The idea which commends the direct primary to the masses, and which rallies them to the support of its advocates, is that it is a means of giving power to the people. I purpose in this article to analyze this proposition, which presents the aspect of the case that concerns political science.

One continually hears the declaration that the direct primary will take power from the politicians and give it to the people. This is pure nonsense. Politics has been, is and always will be carried on by politicians, just as art is carried on by artists, engineering by engineers, business by business men. All that the direct primary, or any other political reform can do is to affect the character of the politicians by altering the conditions that govern political activity, thus determining its extent and quality. The direct primary may take advantage and opportunity from one set of politicians and confer them upon another set, but politicians there will always be so long as there is politics. The only thing that is open to control is the sort of politicians we shall have. . . . If graft flourishes in American politics, it is due to the existence of ample provision for that institution in our political arrangements. Therefore, when any reform is proposed, we should form our judgment of its merits not by the pretences accompanying it, but by scrutiny of the conditions it will establish and by consideration of the sort of men it will tend to bring into power—that is to say, the kind of politicians it will breed.

⁸ By Henry Jones Ford. *North American Review*. 190: 1-14. July, 1909.

When the direct primary is thus tested, its true character is revealed. Its pretence of giving power to the people is a mockery. The reality is that it scrambles power among faction chiefs and their bands, while the people are despoiled and oppressed. The fact that the thing is done in the name of the people, and with the pretence that it is done for the people, ought not to obscure the patent facts of the situation. It is clear that if diamonds were handed out one mile up in the air only those having airships could actually be on hand to get them. If they were handed out to first comers at a distant point in the public highway those having automobiles would practically monopolize the gift-taking. If they were regularly handed out to first comers at designated times and places in the city only those having time, means and opportunity of being first in line would actually get them, no matter how emphatically it might be announced that they should be free to all. Precisely the same holds good when offices of valuable emolument and lucrative opportunity are periodically scrambled. The hand-out may be nominally free to all, but in practice it goes to those able to obtain positions of advantage, whether by force, fraud, cajolery or favor. The existence of such methods inevitably develops systematic and organized means of controlling the distribution and appropriating its benefits. Hence we have the boss and the machine, as regular institutions of American politics, permanent in their nature, however the personnel of their official staff may change from time to time under stress of competition. We are always pulling down bosses, because transient combinations of would-be bosses and reformers may develop strength enough to overthrow a particular boss or a particular machine. But while bosses and machines come and go, the boss and the machine are always with us. From the standpoint of the public welfare, it is the system that is important and not the individuals who act in it.

The direct primary does not remove any of the conditions that have produced the system, but it intensifies their pressure by making politics still more confused, irresponsible and costly. In its full application it is the most noxious of the reforms by which spoilsmen are generated, for it parallels the long series of regular elections with a corresponding series of elections in every regular party organization. The more elections there are, the larger becomes the class of professional politicians to be supported by the community. Hamilton's law is as constant as any law of physics, and is indeed a corollary of the axioms of physics. The evil consequences are abundantly exemplified by current political phenomena. Many are so subtle and so diffused that it is impossible to catalogue them, but some salient features of the situation may be noted, with specific instances. The following are among the effects of the direct primary.

1. *Graft*.—Nothing is more common than to hear it spoken of as an adventitious blemish upon American politics, whereas it is innate. It is an inevitable outcome of the system; and so long as the system endures, it will flourish in accordance with Hamilton's law. Take the case of the people of New York City, for instance. The law puts upon the community the task of filling the following administrative and judicial positions under the forms of popular election: *State*: Governor, Lieutenant-Governor, Secretary of State, Controller, Treasurer, Attorney-General, Engineer and various judicial offices; *County*: Clerk, Sheriff, Register, District Attorney, Surrogate, Justices; *City*: Mayor, Controller, President of the Board of Aldermen. The New York City budget for 1909 contains an item of \$1,035,130 merely for the annual expense of holding these elections, and this is but a small part of the aggregate expense. Every candidate for a nomination must spend money. Campaign work costs heavily. Then on the eve of the election comes "dough

day," when the party captain in each district receives money for expenditures in getting out the vote. Altogether the expense runs into many millions of dollars every year.

Now, there is no source of wealth but the industry and resources of the community, and hence, in one way or another, the community must bear the expense of filling the offices. So when the system is such as to entail great expenditures, it falls heavily upon the community. And that is not all. In addition to supplying the funds for electioneering outlay, the community must support a vast staff of professional politicians. This is an infliction under which the people continually groan, but the matter is settled not by their likes or dislikes, but by the conditions, and the conditions are such as to afford vast employment for engineers and stokers in running political machines, the most monstrous and complicated that the world has ever seen. So long as the system is tolerated, its incidents will have to be endured.

In the popular magazines of late there has been much about the superior economy and efficiency of democratic rule in Switzerland, New Zealand and some other countries. Well, there is a reason. And the biggest reason is that their institutions are not subjected to the graft pressure to which American institutions are subject. Not one of the offices mentioned in the foregoing schedule of New York elections is filled by popular election in Canada, England, Switzerland, Australia, New Zealand or in any other country where democratic government is genuine and not counterfeit; nor, indeed, in any other civilized country in the world. Their system of responsible appointment saves the people the many millions of dollars imposed by our system of irresponsible elections, and the advantage thus obtained in the way of public economy is immense.

The direct primary necessarily intensifies graft pressure by multiplying elections. It proposes to parallel

regular elections by an antecedent series of party elections to nominate candidates. The typical effect of the system is accurately set forth in the following extract from a Texas paper, the "Krebs Banner":

It costs a big pile of money to run for office in the new state of Oklahoma. This is to a very large extent blamed on the primary election system. The results shows, it is claimed, that only wealthy men had any chance in the race for governor or United States senator. One candidate for governor is reported to have spent approximately \$75,000 and another \$50,000 in the primary election campaign. Dr. — of Enid, and — of Guthrie, men of moderate means, got out of the race because they could not keep the financial pace set by the other candidates. Two or three of the leading candidates in the senatorial race, it is said, spent from \$30,000 to \$100,000 in the campaign for the primary nomination. When it is borne in mind that the nominees of the Democratic primaries will have to make another thorough and expensive campaign to win in the "sure enough" election over the Republicans, it becomes evident that, if the Democrats are to win, it will be at a terrible cost to the leading officers. To win the governorship will, it is estimated, cost the successful candidate \$75,000 more or less, to secure a job paying \$4,500 a year, hardly as much as the "Krebs Banner" makes for its publisher, and much smaller honors. And in the case of the United States senator, it is but little better than the governorship, though with vastly superior opportunities for getting ahead of the game by grafting.

There are all sorts of ways "for getting ahead of the game." Public men are frequently subject to attack upon charges of this character. Even the Governor of Oklahoma, a product of the direct primary, has not been exempt. Opinions will differ, of course, as to the merits of any particular case. But it is clear that, when conditions are such that administrative positions can be obtained only by large expenditure, there will be a strong inducement to find ways and means of reimbursement and compensation. The system necessarily means graft, and in all ages graft has been associated with it.

2. *Irresponsibility.*—The whole system of filling administrative and judicial positions under the forms of popular election is a violation of the constitutional principles upon which our government was founded. The

fundamental principle of constitutional government is that responsibility shall attach to every act of power. Hence the Fathers attached paramount importance to the principle of executive unity, which provides a definite location of power. The Fathers were in the habit of citing as a maxim of constitutional government that "the executive is most easily confined when it is one." In pursuance of this principle, the constitution of the United States provides that "the executive power shall be vested in a President of the United States of America." The power which any federal attorney, marshal, commissioner, collector, postmaster or other federal agent exercises is delegated by the President, and may be revoked by the President in his discretion, so that when public opinion acts upon the Presidential office it acts upon the whole administration. Political force flows full and strong in one effective channel. Under the system existing in our states, this force is dissipated among many channels, producing the morass in which we continually flounder in our state politics. Responsibility is too vague, diffused and uncertain to be effectual. Power is not definitely located anywhere. Just such consequences of the violation of the principle of executive unity were predicted by the Fathers. In "The Federalist," No. 63, written either by Hamilton or Madison, it is pointed out that, paradoxical as it may seem, there may be a want of "due responsibility in the government to the people arising from that frequency of elections which in other cases produces this responsibility."

If we turn to private business for an illustration this paradox will become easily intelligible. Suppose the shareholders of a bank should themselves elect its president, its cashier, its secretary, its auditor, its head bookkeeper, its janitor, and in addition a board of directors to pass its by-laws. Suppose that then, in addition, the shareholders in each district of its business field should elect its principal agents likewise as independent author-

ities. Would any responsibility for business results be left anywhere by this multiplicity of elections? Well, that is the kind of situation which is produced in the public business by the electoral arrangements peculiar to the American state. Responsible government is destroyed.

In this situation, by a prodigy of political talent, a system of party responsibility has been evolved. It is a poor substitute for representative government, for it is unconstitutional in its structure and oligarchic in its authority. It secures its revenues by processes of extortion, justified by custom in consideration of its necessities. Corporations serve as its toll-takers, turning over to it large sums and receiving legislative favor and official protection in return. They act in this capacity willy-nilly, for the conditions are such that they must feed the brute or his teeth and claws will be on them. Notice what a ferocious onslaught was made on the railroad corporations all over the country when they cut off the supply of free passes to the politicians under the compulsion of the Federal law! So those charged with large trusteeship, having interests closely intermingled with public interests, find it necessary to spend money for political power and influence.

A president of the American Sugar Refining Company, in testifying before a Committee of the United States Senate, blurted out the naked truth about the system. He said: "It is my impression that wherever there is a dominant party, wherever the majority is large, that is the party that gets the contribution, because that is the party which controls the local matters." He explained that such contribution was made because the company had large interests to protect, and he added: "Every individual and corporation and firm, trust, or whatever you call it, does these things and we do them" (Senate Report, No. 606, Fifty-third Congress, second session, p. 351, 352).

This virtual taxing power, conceded by custom to party organization rests upon an unconstitutional control which is a product of conditions imposed upon the community by reformers. Those conditions have determined the characteristics and shaped the activities of the politicians. The class interests of the politicians are ordered and graduated in a way that suggests the feudal system and, indeed, is its homologue both in its origin and in its nature. It is a system of personal connection founded on reciprocal duty and service, with its own peculiar code of ethics, stringently enforced. It introduces a principle of responsibility that is gross and imperfect, but is nevertheless genuine. Petty organization has a corporate interest that may be reached and acted upon by public opinion, and be held to some responsibility for results. Party government in America is, in fact, a broad-bottomed oligarchy whose administration is costly, negligent and incapable, but which at least sets up barriers against the anarchy and terrorism that always in the past have been the outcome of ochlocratic methods. In Greece, Rome and mediæval Italy the distribution of authority among independent authorities, by means of popular elections, made the state the scene of frequent civil wars. Apart from the United States, the only modern country which tried that system was revolutionary France. The scheme of local government devised by the Constituent Assembly and promulgated by the decree of December 14th, 1789, was based upon the principles of the direct primary and the recall asserted with logical completeness. All administrative officials were chosen by the citizens meeting in primary assemblies, and these might reassemble to recall and replace obnoxious officials. Special precautions were taken, so far as statute law can go, to make these provisions practically effective. The faction fighting that ensued soon brought about the state of things known in history as The Terror. In the present French Republic, elections are absolutely con-

fined to the choice of representatives. America is the only country that has ever been able to maintain tolerable conditions of public order when authority is split up and scattered among factions. This unique achievement stands to the credit of American politicians, and the fact is recognized by philosophical observers. Bagehot in his classic treatise on the English Constitution says that, if Americans "had not a genius for politics, if they had not a moderation in action singularly curious where a superficial speech is so violent, if they had not a regard for laws such as no great people have yet evinced and infinitely surpassing ours—the multiplicity of authorities in the American constitution would long ago have brought it to a bad end."

Our political class is inordinately numerous and inordinately expensive; but the only effectual way of curtailing their number and diminishing the burden of their support is to have less for them to do. Elections should be reduced in number. The direct primary proposes to give the politicians more to do. It provides for a series of elections in advance of the present series. And, at the same time, it strikes down party responsibility by providing that party agents shall no longer hold their posts by efficiency, as now, but by faction favor. The practical effect will be to substitute for existing boss rule a far more corrupt, degraded and impervious sort of boss rule. The change will be analogous to that which took place in the mediæval Italian republic, when local oligarchies were succeeded by professional *condottieri*, heedless of aught save their own gains.

A transformation of this order through the direct primary is noted by the Commission that recently reported a new charter for Boston. The Commission in its report on existing conditions says:

The direct primary system was no doubt intended to abolish partisanship in municipal government, but in its practical working there is no longer the partisanship of a great organization bound theoretically by party principles and having some regard

for its political responsibility in the state at large. It is a partisanship of ward organizations, calling themselves Republican or Democratic, as the case may be, but representing no municipal policies capable of formulation. . . . It has made it artificially difficult to secure good nominations; it has debarred the best and most representative citizens from participation in the government; it has increased the power of money in elections; it has practically handed the city over to the ward politicians. It tends to create bad government, no matter how strongly the people may desire good government and to discredit the capacity of the people when congregated together in great cities to administer their municipal affairs.

That is the characteristic tendency of the direct primary everywhere. If the people do everything themselves, then they have only themselves to blame when things go wrong. In practice, government constituted on such principles means the irresponsible rule of faction. Outrages may be perpetrated for which no party organization would dare to assume responsibility. The case is illustrated by certain facts given by Judge Ben B. Lindsay, of Denver, in a pamphlet entitled "The Rule of Plutocracy in Colorado." On the principle that the people should do everything themselves, the grant of a franchise to a street railway company was submitted to the direct vote of the people. Judge Lindsay charges that the proposition as submitted was shaped in the interest of the railway company, and he says that "no more arrogant and outrageous lawlessness in stealing the property of others was ever enacted." Influential politicians of all parties and public officials were employed by the corporation to carry the proposition at the polls. Judge Lindsay says that the market value of the company's securities was increased \$5,000,000 as the result of the election, so that as a business proposition the company stood to win largely even if it took millions to carry the election. Indeed, he estimates that the perpetual franchise the company aimed to secure "would be cheap at \$500,000,000." He denounces the behavior of the politicians and public officials who took fees from the company to work in its interest as treachery to the people.

But what legal offence did they commit, so long as they did not practice bribery? The responsibility did not rest with them, but with the people. They were employed as advocates—an entirely legitimate occupation. That the transaction was one of public debauchery, as he claims, may be admitted, but the debauchery inheres in the system. The hired advocates did what, on the principle of the direct primary, they had a perfect right to do. Judge Lindsay makes a detailed contrast between the terms obtained under this system and the terms obtained by Toronto in providing street railway service. There the public treasury receives a percentage of the gross income of the railway company, on a rising scale from eight per cent up to twenty per cent when the income reaches three million dollars. In addition, the stipulations of the contract require the company to sell tickets at the rate of eight tickets for twenty-five cents during morning and evening hours and twelve for twenty-five cents for school children. Judge Lindsay points to this as an example of what might and should be done, but he fails to draw the moral that to get Toronto results American cities should resort to Toronto means. Well, in Toronto there is no direct primary, no initiative and referendum, and no elections to fill administrative or judicial posts; but there is responsible government. Nothing is further from the truth than to describe the direct primary as a democratic institution. It is the negation of democratic rule, and nothing of the sort is found where democratic government really exists.

Plutocracy.—The rule of bosses and party machines, while a poor substitute for democratic government, is better than any other substitute available in the conditions to which American politics has been subjected. It is at least an integrating force and makes towards responsible government. The bosses correspond to “the undertakers,” who are described by Lecky in his “History of England in the Eighteenth Century” as an oligarchy founded upon personal connection and “dexterity in party

management." He observes that "this oligarchical connection was unpopular with the people on account of its narrowness and corruption," but he remarks that its overthrow resulted in more corruption than its ascendancy, and he holds that its influence in "binding many isolated and individual interests into a coherent and powerful organization was a real step towards parliamentary government." Since boss rule represents power founded on organized personal connection, it may admit poor men to its sphere and may select poor men for its candidates. Thus it has frequently occurred that poor men of ability have been raised to high office by dint of personal ability, and party interest is thus made subservient to public interests. The case of Abraham Lincoln is typical. But when power is conditioned upon ability to finance costly electioneering campaigns, plutocratic rule is established. One of the maxims of the Fathers was that power must exist and be trusted somewhere. Responsible government exactly defines the somewhere, but that crown of representative institutions has yet to be attained in the United States. As the late Speaker Reed frankly declared: "We have at present irresponsible government so divided that nobody can tell who is to blame." In this situation party organization performs a great service, because it roughly locates power somewhere, thus assuming a vague but real responsibility for the behavior of government. The direct primary impairs this responsibility by making power the football of faction. Power will rest somewhere just the same, but few will know where, so that it will be released from any responsibility for results. The behavior of legislative bodies will be peculiarly exposed to irresponsible influence. It is already plain that the direct primary affords means of setting up secret control. The investigation of the last senatorial election in Wisconsin showed that various members of the legislature were employed as electioneering agents. A wealthy candidate, as an incident of his canvass, could get a legislature deeply under his influence

by pecuniary favors. This would be a development quite in accord with historical precedent. The magnate and his clients were a familiar political factor in the government of the Roman commonwealth when it was conducted on the lines that are now imitated in the American state.

Ochlocracy.—Historically, plutocracy and ochlocracy—the money power and the government of the mob—always appear together. It is a favorite theory of reformers that, if there were no organized control, the people would select their wisest and best for public office. This is mere sentimental cant. Favor decides choice when selection is not accompanied by direct and immediate risk of consequences. On May 7th, 1903, Governor Pennypacker vetoed a bill for popular election of mine inspectors. He said:

Their selection is to be made by the people at an election. The majority of the people, however, have no technical knowledge of mines and are engaged to other pursuits. The selection would be likely to be made upon other considerations than those of the technical capacity of the miners. They would in all probability be determined by association, by political relations and by all those influences which affect the ordinary voter. To state the proposition is enough in itself to show that this would not be likely to result in securing competent mine inspectors. No one would think of determining the selection of a physician or an engineer to run a railroad train, or the occupant of any other station requiring technical information by a popular vote at an election. In fact the selection of mine inspectors would seem properly to belong to the Executive Department of the government.

In the last New York state campaign, Governor Hughes, on similar grounds, opposed the appointment of members of the Public Service Commission by popular election. He said: "In theory commissioners might be elected, but in practice they would really be appointed by irresponsible men." These sensible comments are just as applicable to any other administrative function.

At the direct primary in Atlanta, Georgia, in June, 1908, the contest for the nomination to the office of coroner was between a blind musician and a one-armed

Confederate veteran. The issue seemed to be whether blindness or lameness established the stronger claim to popular favor. The blind man won. In an interview published in the "Atlanta Journal," he explained that he sought the office because he needed the money. "It has always been my ambition," he said "to go to Munich and complete my studies in music. That, of course, takes money, and the surest and fastest way of making the necessary money, as I see it, is through the coroner's job."

The system, of course, means that if the public business is attended to, the people have to support one class of officials to do the work and still another class to attend to the electioneering. Some queer mix-ups occur in the differentiation of these functions. The "Memphis Commercial Appeal," on November 18th, 1908, reports an instructive development. A Grand Jury of Shelby county, Tennessee, complained to the court that no indictments were forthcoming on presentments made. The following facts were disclosed: It had been the practice for a deputy sheriff to frame the indictments. During the campaign the candidate for sheriff was so aggrieved by remarks made by the successful candidate for attorney-general that he would not allow the deputy sheriff to prepare indictments until an acceptable apology was made. The "Commercial Appeal's" account of the affair concludes as follows:

Sheriff ——— said that he was perfectly willing for Mr. ——— to write indictments and that at any time the demand he had made was complied with by Gen. ———, the grand jury work would be restored to its former status.

Gen. ——— says that he and his assistants will write the indictments, and that arrangements will soon be made by which the grand jurors will have all the work they can attend to on each meeting-day. The work is yet new to the attorney-general and both assistants, but they declare that they will master it in a short while.

The sort of influence which the direct primary exerts on the administration of justice is illustrated by this extract from the "Kansas City Times" of August 5th, 1908:

Carthage, Missouri, August 4.—Carthage is at a standstill in the ——murder mystery. Although at least two plausible theories of the affair have been entertained by the authorities, there has not been an arrest yet. The primary elections have diverted the attention of the officers from murder to politics. While the murderer of Dr. —— goes unapprehended, Carthage plays politics. Sheriff —— and ——, the constable, who have been working on the case, have suspended operations until after the primaries.

Space will not admit of further details of which I have a copious supply drawn from actual experience. Mention, however, should not be omitted of one feature of the system, and that is the way in which it oppresses the poor. The recent investigation of social conditions known as "The Pittsburgh Survey" directs attention to the large sums obtained by elective justices and constables by petty prosecution. The men who secure these offices are usually chiefs of local political gangs, whose influence is aggrandized by the direct-primary system. Candidates for high office solicit their support and pool interests with them. The poor are helpless against such combinations, and their only chance of tolerable security is to commend themselves to boss protection by political service as in the feudal period. In the sequence of cause and effect there may be at one end the well-meaning reformer and at the other end the poor ground down by a system they can neither comprehend nor withstand. I have yet to find an instance in which the direct primary has actually tended to promote good government, and it is only by some dire confusion of thought that good men can advocate such a pernicious nostrum.

PRIMARY ELECTIONS AS AN INSTRUMENT OF POPULAR GOVERNMENT⁹

I now desire to direct your attention to the most prominent defects of the primary election system of nominations, except in purely local and nonpolitical elections.

⁹ By William H. Wilson. *Case and Comment*. 23:396-9. October, 1916.

1. The primary election system prevents the people from selecting the ablest men and the men of highest character as candidates for office, and restricts the choice of the people to those who are willing to rush forward and inject themselves into what is frequently a vicious election in order to obtain nomination. This defect of the primary election nominating system is particularly unfortunate in the selection of candidates for the higher judicial offices, since it is well known that the men who are best fitted to perform the duties of judge of the courts of civil appeals or of the Supreme Court are men who are willing enough to accept the office if tendered them, but entirely unwilling to engage in a political contest to secure the office.

2. Another defect in this primary election system is that there is no deliberation or weighing of the merits of the various candidates combined with the discussion of their merits with people who possess first-hand information respecting them.

3. Another defect of the primary election system for nominations is that there is no referring of the candidate, of the candidate's history and political beliefs and opinions to the fixed standards and policies and principles of the organized political party in which he offers as a candidate.

4. Another objection to the primary election system of nominating candidates, and really one of the greatest and most fundamental, is that where the population is large or the territory widely extended the voters in the primary do not know the candidates or their qualifications for office, nor have they any means of finding out what the character of the candidates or these qualifications are.

5. Another defect in this primary election system for nominating party candidates is the tremendous expense of the thing. How can a citizen who wants to run for governor or member of the Supreme Court get himself before the public throughout the whole state? If he wants

to interest the newspapers throughout the state, and if he wants to interest the minor political leaders throughout the state, he has got to turn loose the cash. His postage bill and bill for stationery is something enormous.

6. Another most serious objection to the primary election system is that it absolutely destroys party organization and party principles, owing to the fact that men of opposite political views not only vote in the primary elections of other parties, but run for office in them and are elected.

7. In principle it seems to me that the primary election system for nomination of political parties dethrones the natural leadership of men, which always asserts itself unless interfered with by arbitrary regulations, and substitutes for it the stupid, unintelligent, uninformed action of the masses. It is utterly in contradiction to the American principle of representative republican government. Most people will admit that the mass of people know very little of governmental affairs, especially of the somewhat complex system of national and state governments, and the proper limits in principle and practice of each. What most people do not know, and what no politician will admit, is that a very large percentage of the voters not only do not know, but do not care. The convention system is a system by which the final political power is located in that number of the voters who care enough about public affairs to be to some extent informed on the subject. The convention system, therefore, as opposed to the primary election system, has the advantage that the action taken is more intelligent and in the true sense of the word more honest, since men are not undertaking to act on serious matters in which they take too little interest to be informed.

In a sentence, the system of primary conventions is a part of the system of representative republican government, and the system of primary elections is a part of the

system of direct democratic government. As before stated, this thing will not work, and if we desire to maintain in the United States the local popular governments in their integrity, we must get them in workable shape. If we do not, all real authority will ultimately fall into the already powerful central government, which neither is nor ever has been democratic in the slightest degree, and which is only republican to a limited extent.

BRIEF EXCERPTS

The direct primary cannot abolish the political boss and the professional politician. They will flourish under either system.—*Arnold B. Hall. Popular Government. p. 93.*

The primary system causes Senatorial contests that involve national issues to be fought out upon local and personal issues.—*Charles G. Dawes. New York Times. October 25, 1926.*

The ballot in the primary is so large that voters cannot know the candidates. He votes in the dark for most minor offices.—*Charles G. Dawes. New York Times. October 25, 1926.*

It seems to be generally conceded that the cost of campaigning where candidates are chosen by direct vote is greater than under the other system.—*Charles E. Merriam. Primary Elections. p. 119.*

Of the two dangers we prefer the boss to the demagogue. We believe in representative government as against direct action by the mass of the voters.—*Editorial. Independent. 112:189. April 12, 1924.*

There is widespread dissatisfaction with the present [direct] primary system in this state, . . . we are satisfied

that sooner or later, and probably within a few years, the primary system in Ohio will be revised. It should be.—*Editorial. Cleveland Plain Dealer. October 19, 1926.*

Effective party-government requires a constant process of compromise between the different elements in the party, and the direct primary makes compromise impossible in the selection of a ticket, and extremely difficult in the formulation of party platforms.—*Arnold B. Hall. Annals of the American Academy. 106: 52. March, 1923.*

The people cannot nominate anyone, even at primaries for they are unorganized and uninformed. They can be trusted to divide their favors with approximate equality, so that a small but well-organized minority, by casting its votes entirely on one side, can usually decide a convention, a primary, or an election. The machine triumphs because it is a united minority acting against a divided majority.—*William Durant. Harper's Magazine. 153: 560. October, 1926.*

The honest friends of the direct primary make no concealment of their disappointment and chagrin at the way in which it has worked more badly from year to year. . . . And it would not be hard to extract from confessions of even the champions of the direct primary the fact that the convention system was, on the whole, superior in the quality of its nominations, and especially in its fixing of party responsibility and strengthening party discipline.—*Editorial. New York Times. October 8, 1926.*

Professor Hall of the University of Wisconsin says that in his judgment the convention plan is decidedly preferable because: (1) It provides for majority control; (2) it makes for party solidarity and responsibility; (3) it places a premium upon leadership of the party, rather than upon irresponsible newspapers, and the ca-

price of a popular election where no public opinion can exist. He holds that many excellent candidates have been chosen upon the advice of party leaders, who never would have been candidates under the primary system.—*William E. Hannan. Annals of the American Academy.* 106:60. *March, 1923.*

That it will be highly disadvantageous to substitute the direct primary for the method of the convention and conference when large areas are involved, such as a great State or the Nation as a whole, I am entirely certain. It will, among other things, exalt the professional politician and the man who can provide or secure the great sums of money needed to carry on a campaign for several weeks or months before a large and widely distributed body of electors. True progress will consist in freeing the convention system from abuses, not in abolishing it.—*Nicholas Murray Butler. Senate Document No. 993. 62nd Congress, 3d Session.*

Another charge against the primary system is that it weakens party responsibility. To my mind this is its most serious defect. Whether we are strong partisans or not, we must admit that popular government is not possible without political parties; and any influence which weakens the responsibility of political parties to that same extent weakens the efficiency of the administration of popular government. Before our election process is in a really healthy condition, we must restore to our political parties the right to select their own candidates.—*Mayo Fesler. National Municipal Review.* 15:527-8. *September, 1926.*

The direct primary has not only failed utterly to place political control directly into the hands of the voters, but it has actually promoted group and individual domination. Years of use of the direct primary system have clearly demonstrated that a large proportion of the voters will not go to the polls in primary elections, leaving the

responsibility for making nominations to political organization workers who do vote consistently, and necessarily in accordance with the policy of their organization and leaders, and to minority groups and factions who are actuated by their own immediate objects or grievances, rather than by the good of the whole state.—*Harry L. Davis. Greater Cleveland. 2:3. September 15, 1926.*

Because of the extensive and intensive campaigns it [the state-wide direct primary] requires, a large degree of bitterness and hostility among primary candidates is aroused, causing feeling frequently to extend into the election campaign. Under such circumstances, a disappointed candidate, feeling personally aggrieved by his defeat, may consider himself justified in deserting the nominee and his party and casting his support to the opposition. It is not difficult to see that such an influence hardly makes for the selection of good public officials, but is a stimulus chiefly to ruthless personal ambition that is wholly blind to the interest of the public.—*Harry L. Davis. Greater Cleveland. 2:4. September 15, 1926.*

An Administration having large patronage and large business contracts to give always holds its interested vote for its selected candidate. The more men running on the primary ticket for the place in question, the more certain is the organization to name its man who can secure a plurality against a divided impartial majority vote. In many instances the nominee of a party selected by a plurality vote with a majority vote divided among several candidates will represent ideas obnoxious to the majority of his party. Yet when he is nominated the habit of party regularity will cause his election. The primary system, therefore, is responsible for the election of some men whose chief effort after election is to disorganize the party and fight its policies.—*Charles G. Dawes. New York Times. October 25, 1926.*

The direct primary is responsible in no small degree for the bloc system and for its lessening the full operation of party government. A man desiring to be elected to office in order to represent a class is able to enter the party primaries and seek a place on a regular party ticket, though actually the representative of a class. If elected, he feels no loyalty to party, is not amenable to party control, and gives no support to party policies if they in any way conflict with the class interests which he seeks to advance. He unites with other members of the bloc regardless of their party affiliations. It requires no argument to prove that nominations of this character, if followed by election, are destructive of party-government and that such nominations are only possible under the direct primary system.—*Robert Lansing. Independent.* 112: 195. *April* 12, 1924.

The primary has now been in practical operation for a quarter of a century. In examining its record over the past twenty-five years, we must admit that at no time has it accomplished all that its advocates claimed for it. It has brought no millennium in politics and the bosses seem to keep in the saddle as comfortably as before. Not even the primary's most enthusiastic advocates will maintain that the nominees are, on the whole, much more satisfactory than under the convention plan. And its opponents stoutly declare that the quality of candidates, executive, legislative and judicial, has been distinctly lower than under the convention system. In fact so much dissatisfaction has been developed that a few of the states have already returned to the convention plan; and in others a return is being vigorously advocated even by the independent press.—*Mayo Fesler. National Municipal Review.* 15: 527. *September*, 1926.

What are the more serious charges that have been made against the direct primary. In the first place, it has increased the voter's burden. This cannot be denied,

but the trouble was that when it was substituted for the convention plan it was not accompanied by the short ballot. The short ballot should have preceded the direct primary. If we had in this country the English short ballot, where the voter is required, one year to select, from a list of three or five names at most, his representative in parliament; and the next year, from another list of three or five names at most, his representative in his city or borough council, then the voter could perform his electoral task intelligently and he would not feel each time that he is going up a blind alley and voting merely for a lot of names. The adoption of the short ballot would make the primary a sizable job for the voter. —*Mayo Fesler. National Municipal Review. 15:527. September, 1926.*

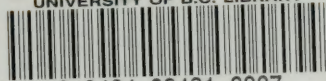
The direct primary law has placed directly into the hands of the people certain functions, viz., the nomination of state officials, upon which a public opinion cannot exist except occasionally in the case of the candidate for governor. Where the governor, or a man otherwise equally well known, is a candidate for reelection and there is only one other candidate, the people will frequently have sufficient information regarding the relative merits of the candidates so that the formation of a real opinion may be possible. But if neither of the candidates happens to be well known to the people, regardless of their ability or worth, or if there happens to be a large group of candidates, the possibility of the primary vote for governor registering a true opinion is extremely meager. The chances of a real opinion are even more remote in the case of the candidate for other offices about whom the people are much less likely to be informed.—*Arnold B. Hall. Annals of the American Academy. 106: 45-6. March, 1923.*

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